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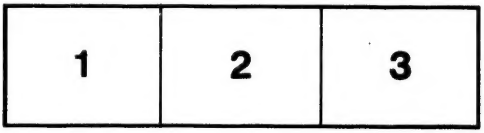

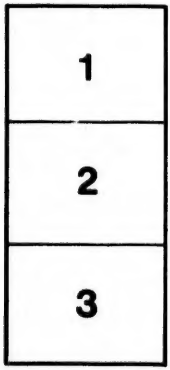

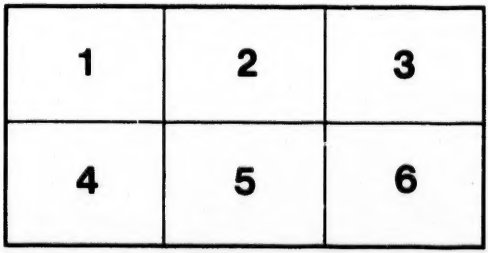

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ONTARIO ELECTIONS

—1883—

"With the Party, by the Party, for the Country."

Facts for the People

SHOULD BE

READ BY EVERY ELECTOR.

LIBERAL CONSERVATIVE PLATFORM

Confederation must be Maintained!

Ontario's Rights by Lawful and Constitutional Means

No Confiscation of Private Property!

No Centralization!

No Encroachment on Municipal Rights!

No Politics in Administering the License Law!

Extension of the Franchise!

A Non-partizan Education Department!

Justice to the Free-Grant Settlers!

Parliamentary Control of Ontario's Timber Lands!

Economy in all Branches of the Public Service!

FACTS AND FIGURES

—FOR—

THE ELECTORS.

As the Electors of Ontario are about to be called upon to render their verdict on the way in which the Mowat Government have managed the affairs of the Province, the following facts and figures are put forward, not with any pretension of being an exhaustive enquiry into the act of the Government, but simply to refresh the memory of the Electors on some of the more prominent points, and give them the facts in reliable form, drawn from official and other authentic sources. To go fully into all the points which might be brought forward in an indictment of the Mowat Government would take a volume much larger than the Electors would have time to peruse ; but it is believed the following pages contain enough to convince candid men that their record has been one of recklessness, violated principles, and grasping centralization, and inimical to the best interests of the Province, and ought to arouse those who think more of the good government and careful administration of the affairs of the Province than they do of party, to a realization that it is high time we had a change in the management of Provincial affairs.

CENTRALIZATION

THE GOVERNMENT GRASPING APPOINTMENTS

Danger to the Liberties of the People.

One of the lessons which history has taught is, that the liberties of the people can only be preserved by guarding jealously against the grasping of new powers by those in authority, and it used to be the boast of Reformers that they were ever found ready to resist the encroachments of Government; but it remained for a so-called "Reform" Government in Ontario to trample upon the traditions of the party, and enter upon a career of centralization, which, if not checked, threatens soon to put the control of all public matters in their own hands, and leave the Province at the mercy of a junta in Toronto, having its paid emissaries monopolizing every office of trust amongst the people. Their first prominent manifestation of this grasping and centralizing policy was in the Administration of Justice Act, where, under cover of providing for official notices, they took power to coerce County Councils and officials throughout the Province as to printing wholly paid for by the Counties, and forthwith ordered it to be given to their party friends, increasing the cost in some Counties by hundreds of dollars. When an outcry was raised about this high-handed piece of interference, they partially relinquished the power, after a struggle in the House in the session of 1875-6 (Journal, pp. 50-51).

CONTROLLING LICENSES.

Their greatest step in the direction of centralization, however, was taken in 1876, when, in making a change in the License Law, the Government took the whole control of the liquor traffic into its own hands, appointing its own Inspectors, and taking from the Municipalities the power of deciding to whom Licenses should be granted, which it vested in an irresponsible conclave of its own appointment. Whenever this piece of centralization by the Government is attacked they attempt to arouse the fears of the friends of temperance and morality, by raising the cry

that those who object to their course are acting in the interest of the liquor traffic. They well know that this is without foundation, for in so far as the Crook's Act restricted the number of Licenses that might be issued, or placed other restrictions on the traffic, not a word has ever been said against it by the Opposition. But the Opposition do object. and the people agree with them in the objection, that it should be put in the power of any Government, through their partizan Commissioners, to have any class in the community so completely under their control as they have placed those in the liquor traffic by this measure, The power of appointing partizan Commissioners is not necessary to the enforcement of the Act in the interests of temperance, but has worked in the contrary direction, by bringing the question into the arena of party politics, and virtually excluding one half the temperance community from taking part in the enforcement of the law. The evident object of the measure was not to advance the interest of temperance, but to increase the influence of the Government by giving them coercive power over an influential section of the community, and as such is dangerous to the liberties of the people.

REFUSING TO GIVE ACCOUNT OF MONIES.

These License Commissioners receive and handle large sums of money belonging to the Municipalities, but unlike other officials hand ing Municipal funds, were not called upon to give any account of them A member of the Opposition in 1880 introduced a bill to compel Com missioners to give an account of the money they handled, and to open their books for the inspection of township officers; but the Government were determined to give no satisfaction, and called on their followers to vote it down! (Journals, p. 33.) And now the Municipalities must be content to take such meagre information as the Government chooses to give them, and are neither allowed to have audit or examination of how their monies are expended! Surely no one calling himself a Reformer will tolerate such centralization as this.

GRASPING MORE OFFICES AND COERCING COUNTY COUNCILS.

Nor have the Government stopped in their policy of centralization with the appointment of Commissioners and Inspectors—they have also seized on the appointment of Division Court Clerks and Bailiffs, Masters in Chancery and Deputy Registers who were formerly appointed by the judges; not content with that, they have taken control of the appointment of Gaolers; while last year the Minister of Education sought to increase his power over teachers by taking the extension of third class certificates more com-

pletely into his own hands, notwithstanding the protest of the Opposition. (Journals, p. 141.) Since taking control of the appointment of Gaolers, the Government have commenced to dictate to County Councils what salaries shall be paid to them and other officials, although the Counties pay nearly the whole amount. In the County of Hastings, for instance, after appointing a political partizan as Gaoler, they demanded that the County Council should increase his salary by $200. A bill was introduced last year to take away their power of dictating to County Councils as to the salaries to be paid out of County funds, but their mechanical majority voted it down. (Journals, p. 67.)

Determined to make another attempt to take the power of dictating to County Councils from the Government, Mr. Meredith in the session just closed moved in amendment to the third reading of the Municipal Bill,

"That all the words in the Motion after 'That' be struck out, and the following inserted in lieu thereof:—"The Bill be not now read the third time, but be forthwith referred back to the Committee of the Whole House with instructions to amend the 456th section by striking out all the words therein after the words 'County Council' so as to leave to County Councils the power to fix the salaries of their Gaol Keepers without interference or dictation by any Government Officer."

But the Government again refused to give up the coercive power they have taken, and the following Government supporters, by voting down the resolution declared their want of confidence in our municipal representatives, and said they did not believe County Councils could be trusted to fix salaries, the great bulk of which the Counties, and not the Government, have to pay.—(*Votes and Proceedings*, p. 226.)

MESSIEURS.

Appleby,	Gibson (Huron),	O'Connor,
Awrey,	Graham,	Pardee,
Badgerow,	Hagar,	Patterson,
Balfour,	Harcourt,	Rayside,
Bishop,	Hardy,	Robinson (Cardwell)
Blezard,	Hawley,	Ross,
Caldwell,	Hay,	Sinclair,
Chisholm,	Laidlaw,	Snider,
Deroche,	Lion,	Striker,
Drury,	McKim,	Waters,
Field,	McMahon,	Watterworth,
Fraser,	Master,	Widdifield,
Freeman,	Mowat,	Wood,
Gibson (Hamilton),	Nairn,	Young.
	Neelon,	

DANGEROUS TO PUBLIC LIBERTY.

If the Ministry keep on as they have been doing for the past four or five years, the municipalities will soon find themselves shorn of power, and everything centred in the hands of the Government. What the

result of such a centralization will be the people had a foretaste of last June, when nearly the whole staff of officials of the Province were constituted a huge electioneering agency, under the direction of the Mowat Government. Our municipal institutions are justly regarded as the great bulwark of the peoples' liberties, and if the electors permit them step by step to be shorn of authority, while power is centred in the hands of the Government, they may awake to a realization of the error they have committed when they are powerless to remedy it. Intense partyism, and a desire to sustain their friends, often blind men to the true character of the measures they sanction; but is it not time that thoughtful men throughout the Province began to enquire whither we are drifting, and shaking off their supineness, resolve to put a stop to this centralizing of power in the hands of the Government, ere the people find themselves so completely trammelled by a network of officials in the pay of the central power, cajoling, influencing and intimidating in the interest of the Government of the day, that the public will be powerless to give effective resistance to anything those in power desire to impose. This is not a question of mere party, but one in which all citizens who desire to preserve free institutions should unite, remembering that if by their indifference they give their sanction to the system now sought to be imposed, the same machinery which is wielded by a Government of one party to-day, may be a power in the hands of the oppisite party to-morrow.

THE LICENSE LAW

Grasping Control of the Liquor Trade for Partizan Purposes

THE OPPOSITION AMENDMENT

REMOVE THE QUESTION FROM PARTY POLITICS

The action of the Mowat Government in grasping control of the liquor interests of the Province, being part of their settled policy of centralization, should receive the earnest consideration of every citizen of Ontario, and especially of those who are interested in temperance reform; for a brief review of the inception and history of what is known as the

Crooks Act, will show that the Government, while pretending an anxiety to promote temperance, have simply been seeking to strengthen themselves by controlling a powerful trade, and in their working of the Act have been utterly regardless of temperance interests.

A few years ago there was a great revival in the temperance reform throughout the Province, and in the session of 1875-6 its effect was felt by petitions signed by thousands from all parts of the Province, being presented to the Legislature on the subject of the liquor laws. These petitions asked for three things—*1st, that the number of licenses should be reduced to one per thousand of population; 2nd, that saloon licenses should be abolished; and 3rd, that no liquors should be sold in shops where other goods were kept for sale.* Forced by the pressure then brought to bear to take the matter up, the Government introduced a bill ostensibly to meet the wishes of temperance people, but how did they comply with their requests? Not one of the three was granted! The first was in some measure conceded by making the limit in cities and towns one in four hundred of population; but both the other requests were ignored, and when, on the third reading of the bill, amendments were moved by members of the Opposition to carry out the desire of the petitioners by abolishing saloon licenses and separating the sale of liquors from other articles, the Government refused to allow them to pass. (Journals, pp. 225, 227.) But always eager to grasp power to be used for their own advantage, here was another opportunity, and they seized it. Knowing that there was an honest temperance sentiment in the community, which in its eagerness to abate the evils flowing from drink was willing to try any change which promised relief, they adroitly took advantage of it to introduce a change which the temperance people had not asked for, by taking control of the whole liquor traffic in their own hands; and forthwith we had the spectacle of men, not one of whom had ever hitherto been known to take part in temperance movements, suddenly posing as the champions of temperance! How hypocritical their pretence has been, let the record show. If proof were wanting that the pretence of advancing the interests of temperance was simply a sham, it was manifested by the way in which they put the Act into force: *liquor dealers and those interested in the liquor traffic being in several instances appointed as License Commissioners and Inspectors.* A notorious instance of this was given at Thunder Bay, where two of the Commissioners were the most extensive liquor dealers in the district, while the Inspector also sold liquor! And notwithstanding the attention of the Government being directed to the fact, they re-appointed the same Commissioners the next year. They continued this kind of appointments till in the session of 1877 the Opposition forced an amendment to the law, preventing liquor dealers or those owning premises in which liquors were sold from being Commissioners or Inspectors. (Journals 1877, p. 185.)

One of the great advantages claimed for the Crooks Act was that it would largely reduce the number of licenses, and by keeping them down, advance the cause of temperance and sobriety. How has it fulfilled that anticipation in its practical working? In 1874 the greatest number of licenses ever issued in the Province was reached, being 6,185: but the revival of the temperance reform which set in about that time reduced them in 1875 to 5,818 (License Report 1881-2, p. 15), *or a reduction of 367 in one year*, and doubtless had there been no change in the law the growing temperance sentiment would have continued to effect a reduction. But the statutory reduction which the pressure of public opinion compelled the Government to make in the Crooks Act effected a reduction in 1876 to 3,988, and next year (when those statutory reductions came into full force), to 3,676. Since that time, however, the Commissioners appointed by the Government, instead of keeping down the number of licenses, *have gone on steadily increasing them year by year*. Here are the figures as taken from page 15 of the last License Report:

1877	3,676
1878	3,715
1879	4,020
1880	4,049
1881	4,133

Increasing the number of licenses 457 in four years is surely a new way of advancing temperance!

Another test very generally applied as to the effect of the laws in force for restraining drunkenness, is to be found in the number of commitments for drunkenness to the gaols of the Province. Taking the figures from the annual gaol reports, we find that for the seven years previous to the Crooks Act the commitments were as follows:

1869	1,793
1870	2,263
1871	2,194
1872	2,615
1873	3,197
1874	3,370
1875	3,663

While for the seven years under the Crooks Act they have been:

1876	3,868
1877	4,032
1878	3,786
1879	3,581
1880	3,795
1881	3,328
1882	3,497

It will thus be seen that when the Crooks Act came into force there was a considerable increase over any year under the old Act.

Commitments for seven years under the old law	19,095
Commitments for seven years under Crooks Act	25,886
Increase under Crooks Act	6,791.

INCREASED COST.

An enormous increase has been made in the cost of enforcing the law, the following sums having been paid for annual expenses since the Crooks Act came into force :

1876-7	$46,097
1877-8	46,547
1878-9	45,717
1879-80	46,417
1880-1	46,449
1881-2	46,796

or over two hundred and seventy-eight thousand dollars in the six years pocketed by the political inspectors, etc. If there was a really effective enforcement of the law no one would begrudge any reasonable expense in doing it. But what are the facts? The inspectors in the different ridings get from $450 to $900 per annum as reward for being active politicians, and they keep on with their ordinary business the same as before, the actual work in many instances in connection with their duties as inspector not amounting to more than three or four weeks in the year, while it is notorious that violations of the law are permitted to go on almost in their presence without any notice being taken of them. The Provincial Secretary himself bears testimony to this, for, after the subject had been brought so prominently before the public, by discussion in the press and otherwise that it could no longer be ignored, he issued a circular to inspectors last fall, stating that he was informed many of them did not consider it their duty to prosecute violations of the law unless complaints were made to them, and instructing them that it was their duty to prosecute on their own account, without waiting for specific complaints to be lodged with them.

Besides this expensive enforcement (or rather non-enforcement), the municipalities have also had taken from them the amount of the fines collected by officers, which under the old law went to them. These sums have amounted to :—

1876-7	$ 29,910
1877-8	24,142
1878-9	20,086
1879-80	18,613
1880-1	18,987
1881-2	17,301
	$130,989

Or over a hundred and thirty thousand dollars taken from the municipalities under this head in the six years. In addition to this, the Government have been taking a much larger sum out of the license fund than they would have been entitled to under the Act of 1868, by which the Government was only to get a fixed minimum sum for each license, and all over that went to the municipalities. In 1881-2 alone they took $36,058 from the municipalities under this head. (License Report, p. 103.) But it is contended by many that, as the municipalities have to bear the great burden of the expenses entailed by drink, the whole of the license fund (except the small sum that would be sufficient to pay the expenses of the License Branch of the Provincial Secretary's office,) should go to them, and this is the declared policy of the Opposition. In the six years the Government have drawn the following sums from this source:—

1876-7	$ 79,589
1877-8	78,784
1878 9	75,213
1879-80	87,198
1880-1	89,207
1881-2	91,948
	$501,939

Or over half a million dollars which would go to the municipalities under the scheme proposed by the Opposition.

PARTIZAN ADMINISTRATION.

But the great objection to the law as it at present stands is its partizan administration—that the Government of the day have taken control of this important interest, and by their partizan Commissioners and Inspectors have made a law which, if properly worked, would have a good effect, simply a huge electioneering machine in the hands of the Administration. When the Crooks Act was introduced, great professions were made that its working would be kept free from politics; that both parties would be consulted, and Commissioners appointed from both sides. But how was this promise fulfilled? Here and there, as an exception to the prevailing rule, a Conservative was appointed a Commissioner, but throughout the Province the Commissioners appointed were the most active partizans of the Government, and out of over 230 Commissioners, only 23 Conservatives were appointed, notwithstanding the promise given by the Government that the Commissioners would be fairly chosen from both political parties, *and in open violation of the solemn declaration of the Premier, every Member of the Government appointed Reform Commissioners only;* while every one of the Inspectors was of the same class. When taken to task for violating this promise Mr. Mowat tried to excuse himself

by insulting the whole body of temperance Conservatives th oughou the Province, and declaring that they could not be trusted to enforce the law! Here is his language, as reported in the *Globe*, December 16th, 1882:—

"Mr. Meredith asked why the commissioners had not been selected from the adherents of members on both sides of the House, as had been promised?

"Mr. Mowat said he did not know that any such promise had been made, but it had been tried to work the Act in the way his hon. friend had suggested, and it had been found that their experience agreed with all previous experiences, *that it was impossible to carry out Government Acts save by the friends of the Government.* It had been found by actual trial that the Conservative members of the commissions had in many cases only obstructed the carrying out of the law instead of enforcing it, and only in these cases they been had removed."

If the object had been honestly to administer the law in the interest of temperance and morality, surely no one believes that honest temperance men could not have been found in every constituency amongst Conservatives, who would have assisted in a faithful endeavor to enforce the law! But when the Act was to be worked as a party machine, of course it would not do to have Conservatives on the Boards. An attempt has been made to show that the Act has not been worked in party interests, because a majority of those to whom licenses have been given are Conservatives; but it must not be lost sight of that *there is more political advantage to be gained by keeping them under the power of Inspectors and Commissioners than by depriving them of licences.* In the latter case they are made more bitter against the Government, and are free to exercise their influence; while in the former they are to a great extent at the mercy of the Inspectors and Commissioners, and are made to feel that it will be to their interest either to be quiet in elections or vote with the Government. That this is the way in which the Act has been worked throughout the country is notorious. The effect of this partizan administration has been to make discord and division amongst temperance men who had hitherto worked unitedly, thus greatly marring their efforts. Temperance Conservatives are certainly as much interested in enforcing license laws as Reformers, and under ordinary circumstances would lend their assistance; but now they are practically told to stand aside, their assistance is not wanted, for the License Act is a party machine, and must be worked by the partizans of the Government.

OPINIONS OF TEMPERANCE MEN.

The London *Advertiser*, one of the leading organs of the Mowat Government, in order to get evidence in favour of the Crooks Act, issued a circular soliciting opinions on the Act, and asking particularly whether it would be wise to return to the old system. Here are a few of the answers received from well known men:—

Mr. W. H. Howland, Toronto, says :—

"The only amendment I would propose is one which can scarcely be worded in an Act, viz., *That the commissioners should be as good as the Act.* This can never be as long as active politicians are appointed as commissioners, no matter what their politics may be."

Rev. Mr, McKay, Woodstock, says :—

"I would like to see *the duties of inspectors more clearly defined*, and more stringent provisions made for the enforcement of the law."

Rev. Manley Benson, Brantford, says :—

"No ; but would like to see greater care shown *in the selecting of license commissioners.* They should be men of undoubted integrity."

Rev. W. D. Hunter says :—

No, never. But license commissioners should be selected, as nearly as may be, evenly from both political parties."

Rev. Dr. Sanderson says :—

"The license commissioners should not be appointed for political party purposes, and a change, without introducing corresponding evils; would undoubtedly be an improvement."

Mr. D. B. Chisholm, President of the Ontario branch of the Dominion Alliance, says, among many suggestions for the improvement of the Act :—

"I find fault with the administration of the Crooks Act in the following particulars :

"(*a*) The license inspector is appointed without any consideration as to his fitness for the position, but for party reasons.

"(*b*) The commissioners must of necessity in this city be Reformers. This is wrong, and it is bad for the Government, as it gives Conservatives a chance to find fault. They are now open to suspicion, whereas if they would appoint one Conservative out of the three, it would avoid that. I am not prepared to say that in this city the commissioners used their office for the benefit of their party, but I do know this, that certain persons were refused licenses on the first of May last ; that these persons were given three months to sell out their stock ; that the license commissioners (or the chairman of them) assured me that these men would not get their licenses ; that the elections came on in the meantime, and these persons received licenses. This provision could not, of course, be embodied in an Act, but it would be wise if the Government would avert this cause for suspicion. I have to find fault with the way the law is enforced in this city, and there should be more provision made for its enforcement. In South Wentworth, too, there is a shockingly open violation of the Act on Sundays at Burlington Beach. The thing is too lax, too loose, and it ought to be severely overhauled."

These are not the opinions of political partizans, but of men who are known throughout the Province to be honestly desirous of seeing the License Law put on an effective footing, and their views should be heeded by all candid men. *They every one propose substantially what is the policy of the Opposition—that the license question should be removed from party politics.*

THE OPPOSITION PLATFORM.

The Government and their supporters, knowing that the political feature of the Crooks Act will not bear scrutiny, try to draw off attention from it by persistently misrepresenting the position of the Opposition, and declaring that they are in favor of removing restrictions from the liquor traffic. There is not the slightest foundation for such a statement. No member of the Opposition, and no one who is in any way authorized to speak for the party have ever declared such an intention. *On the contrary, Mr. Meredith and others have over and over again declared that they do not seek to remove any of the restrictions; but only to take out of the hands of the Government of the day the power of using the License Act as a political weapon and by removing it from party politics make the law more effective.* Here is their platform as laid down by the amendment moved by Mr. Meredith in the House on Jan. 24th:—

"This House, while recognising the necessity of maintaining the other provisions of the existing liquor license laws, and of strictly maintaining them, is of opinion that it is not in the public interest, or calculated to promote the cause of temperance, to continue the mode of appointing boards of license commissioners and license inspectors now in force. It is further of opinion that these boards should, in order to remove them as far as possible from the influences of political partisanship, be appointed in counties by the County Councils, and in cities and towns separate from counties by the Councils thereof, and that the power of appointing one or more license inspectors in each license district should be vested in the board; and this house regrets that legislation providing for this change in the law, and for handing over to the municipalities the whole of the license fees except a sum sufficient to pay the expenses of the License Branch of the Department of the Provincial Secretary, has not been proposed for its consideration by the advisers of his Honour the Lieutenant-Governor."

Is not this just what every fair-minded man who desires an effective license law would like to see done? Retain every restriction on the traffic—every feature of an Act which is beneficial—but remove it from party politics by appointing non-partisan commissioners and inspectors. And is not the method proposed—giving the appointments to County Councils, who fairly represent every interest in the county—about the fairest that could be proposed for attaining that end? When this amendment came before the House the Commissioner of Public Works, who replied, talked on everything else connected with the license question, *but had not a word to say on the proposal made.* The only Government member who found courage to express an opinion was Mr. Graham, who coolly argued that the proposed change would not work as well as the present law, because under it *he appointed the Commissioners for East Lambton!* Modest man! who tells the House that the assembled Reeves of his county, who are sent by the people of the different townships to deliberate on their affairs, cannot be trusted to

make proper appointments; but that he, forsooth is the embodiment of wisdom and impartiality, and ought to make them! But what Mr. Graham in his bluntness blurted out is in reality the position taken by all who uphold the present system of political appointments in preference to appointments by County Councils. The question is whether the County Councils composed of Reeves and Deputies from all parts of the the county, and of both political parties, who will deliberate on the question and openly discuss the suitability of the names suggested, shall make the appointments irrespective of party; or whether the member of the county, or the defeated candidate, as the case may be, who has friends to conciliate or enemies to punish, shall have sole control, and appoint his own political partisans? Can any man who honestly wishes to see the law properly administered, doubt that the County Councils are the better parties to whom to entrust this power?

The issue is squarely drawn—the Government desire by retaining the power of appointing partisan Commissioners and Inspectors to keep the License Act as a party machine, and thereby continue to mar its successful working; while the Opposition, without in the least relaxing any of the restrictions, desire to remove the blot on the system, by at once and forever separating the administration of the law from party politics. Let the electors honestly say which system would be best.

SHAMELESS WASTE

OF

PUBLIC MONEY.

One of the most serious crimes against public economy and decency ever committed by any Ministers of a British colony was that committed by Mr. Mowat's Ministry, in what is now known as the "Corkscrew" Trip to the North-West. This affair has been treated with a certain amount of levity which has had the effect of lessening its shamelessness and checking the flow of public condemnation with which it should be visited. The people whose money was thus wasted are not a wealthy people, many of them at times feel the hand of poverty. Their real feeling about so disgraceful a waste of public money has yet to be revealed. Many of them are men of strong temperance principles. These will, if there be among them that honesty of purpose which all attribute to them, visit the shameless indulgence in what must have been riotous and unsober conduct, with due punishment—with proper condemnation. Many of them were, and, perhaps, still are in the habit of thinking that Mr. Mowat's Government was honorable and, above all, respectable and dignified. Such men will not fail to visit on Mr. Mowat and his Cabinet the punishment due to proved hypocrisy. The improper and illegal waste of public money in these unwarranted festivities was begun previous to the last elections.

A PRELIMINARY JAUNT.

In the summer of 1878, Mr. Langmuir, Inspector of Prisons, with Mr. Hardy (who was acting as Minister of Public Works), started on a trip to Thunder Bay, intending to select the sites of some lock-ups on the way. His Honor Lieutenant-Governor Macdonald went along with his aide-de-camp, no doubt to help in the selection, while Provincial Treasurer Wood accompanied them to watch proceedings; and as the Province was going to pay for it, they invited a couple of friends to make up the party. The trip was one over a well known route, on a comfortable steamboat furnishing all necessary accommodation, and hundreds make it annually without finding it necessary to lay in any special "supplies" before starting; but as there was supposed to be a large

surplus on hand, they thought they might as well take precautionary measures, ordering, before starting, a good stock of supplies, of which the following is a sample, the official particulars being found at page 18, appendix 2, journals of 1880:—

TORONTO, 31st July, 1878.

DEPARTMENT OF PUBLIC WORKS.

Bought of Fulton, Michie & Co., Grocers, Wine and Spirit Merchants, 7 King Street West:—

2 Cases, Louis Roederer Champagne, at $25	$50 00
1 Case, Sparkling Saumur	12 00
1 " Beaune	10 00
1 " Extra Old Rye	6 00
2 Bottles P. Cognac, at $1.20	2 40
½ Dozen Sherry, at $14	7 00
1 Bottle Port	1 20
2 Flasks Hollands, at 75c	1 50
3 Dozen Apollinaris, at $2.25	6 75
100 Cigars "H. Clay Reg. Americana"	10 00
100 " "Resolucion Londres"	5 50
½ Parson's Stilton, 6½ lbs., at 85c	2 28
1 Tin 40 R. Water Biscuits, 7¼ lbs., at 15c	1 55
1 " Soda Biscuits, 7 lbs., at 10c	1 10
1 Tin Cut Tobacco	1 50
2 Packages "	0 40
	$119 18
August 1st, 1 Case "St. Estephe" Claret	11 00
	$130 18

(9 cases, 2 tins: 11 pieces, to Northern Railway, care of Mr. Harvey.)

THE CORKSCREW TRIP.

What they did on the way, or how the Cognac and Old Rye helped in the selection of the sites, history does not record. It was a quiet little holiday excursion, costing the Province $546, and very little was heard of it at the time. But finding that that jaunt at the public expense passed by unnoticed, and having got the elections safely over next year, they resolved on making a tour on a more extended scale, and with more elaborate preparations. The party on this occasion was got up by Mr. Treasurer Wood, and consisted of himself and son, Lieutenant-Governor Macdonald and his son, the Inspector of Prisons, the Clerk of the House, Mr. D. D. Hay, M. P. P., a "Globe" reporter to chronicle their doings, and four or five invited friends to make up the party. Nearly all were drawing large salaries, and if they wanted a holiday trip they had a right to take it (at their own expense). But the Provincial Treasurer had the surplus to draw upon, and why shouldn't they make the Province pay? And they did, to the extent of $5,456 (Pub. Acc., 1879, p. 166). Page after page of the Journals (33 to 43 inclusive, of Appendix 2), is taken up in giving details of the sup-

plies they laid in and bills they incurred, but this will do for a sample of their preparations before starting :—

July 15. J. Berwick & Co.,—

4 doz. Baum Claret at $12.00, $48.00; 6 doz. Whiskey, at $4.50, $27.00	$75 00
1 Case L. R. Champagne, Pints	29 00
6 doz. Bass', qts., at $2.75, $16.50; 2 doz. Ale, at $1.00, $2.00; Bottles, 50c., $1.00	19 50
3 Bottles Angostura, at 90c., $2.70; 6 lbs. Tea, at 80c., $4.80; 6 lbs. Coffee, at 40c., $2.40	9 90
1 doz. Milk, $3.50; 1 doz. Coffee, $3.75; 25 lbs. Sugar, at 10c., $2.50; Matches, 30c	10 05
2 Cheese, 18 lbs., at 16c., $2.88; 1 doz. boxes Sardines, $4.50	7 38
2 Bags Salt, 40c.; 4 doz. Soda, at $1.05, $4.20; and bottles	4 60
2 doz. Seltzer, at $1.25, $2.50; 5 lbs. cut Tobacco, at $1.25, $6.25	8 75
6 Cork screws, $1.50; 1 doz. Pickles, $3	4 50
2 Bottles Salt, 35c.; 3 bottles Vinegar, $1.13; 2 bottles Mustard, $1	2 48
4 Curry Paste, at 85c., $1.40; Mushroom, 40c.; Anchovy, $1.10	2 90
2 Harvey, 60c.; 2 Worcester, $1.30	1 90
10 lbs. Wax candles, at 30c	3 00
1 doz. Marmalade, $3.25; 48 lbs. Corn Beef, $11	14 25
20 lbs. Tongue, at 28c., $5.60; 10 lbs. Ham and Chicken, $2.50	8 10
22 lbs. Bacon, at 13c.; 38 lbs. Ham, at 13c	7 80
5 doz. Lemons, at 40c., $2; 30 lbs. Biscuit, at 10c., $3	5 00
1 Crock, 50c.; 35 lbs. Butter, at 15c., $5.25	5 75
2 doz. Apollonaris Water, at $2, $4; 2 bottles Lime Juice, 80c	4 80
4 boxes Herrings, at 40c., $1.60; 2 doz. Toilet Soap, at 87½c., $1.75	3 35
4 boxes Cigars, at $9, $36; 2 doz. Henry Clays, at $7.50, $15	51 00
1 doz. Bath towels, $5; 6 bottles Port, $6; 6 bottles Brandy, $8.50	19 50
½ doz. Tins Soup, at $6.50, $3.25; 1 doz. tins Mock Turtle, $7	10 25
½ doz. Tins Ox Tail, at $7, $3.50; ½ doz. Mulligatawney, at $6.50, $3.25	6 75
2 Bottles Cayenne, 50c.; Pepper, 40c.; Onions, $1	1 90
Carried forward	

	Brought forward.....		
July 15	Sardine opener, 50c.; Axe, 50c.; Screws and screw driver, 75c.; 4 Tongues, $1.80	3 55	
	20 Boxes, at $1, $20; 7 boxes, 50c., $3.50; Straw, Rope, &c., $3	26 50	
July 23.	1 Box Henry Clay Cigars, at $4.50.....	4 50	
	8 Boxes Solace Tobacco, 154½ lbs. at 48c.....	74 16	
			201 46
	Omitted Potatoes.....		2 00
			$203 46

MORE WINE AND SUNDRIES.

Notwithstanding the quantity they laid in at the start, the "supplies" seem to have been exhausted by the time they got to Winnipeg, for the "sundries," with supplemental cigars and wine after, foot up heavily in the hotel bill there:—

WINNIPEG, MAN., August 7th, 1879.

COL. GILLMOR, per J. W. LANGMUIR, Esq.,—

To Canadian Pacific Hotel, Dr.

Aug. 7th.—To	Three days' board of nine persons @ $2 per day.....	$54 00	
	" Three days' board of two persons until Friday.....	12 00	
"	" Extra meals.....	4 00	
"	" Washing of party.....	10 00	
"	" Cash to cabman.....	8 50	
"	" Team to station coming in.....	5 00	
"	" Team to Penitentiary.....	8 00	
"	" One single rig to McDonald and Bethune.....	2 50	
"	" Sundries of party.....	27 50	
			$131 50
"	" One box cigars.....	7 50	
"	" One bottle wine after.....	4 00	
"	" Baggage from station and ferryage.....	2 50	
"	" Baggage to boat.....	2 00	
			147 50

Paid.

(Signed) F. J. HAVERTY

THEATRE TICKETS AND BRANDY.

At Chicago they neglected to have particulars covered up by "sundries," and we have some of the items in detail:—

THE GRAND PACIFIC HOTEL,
CHICAGO, August 12, 1879.

Messrs. Wood,—

To John B. Drake & Co., Dr.

To board, two and a half days, two persons..	$20 00	
" Cigars, 50c., $4	4 50	
" Wine, $6	6 00	
" Wash, $8.70	8 70	
" Livery, $4	4 00	
" Bar, 20c., 20c., and 50c	0 90	
		$39 10

Mr. J. W. Langmuir,—

To Board, two and a half days	10 00	
" Wash	1 10	
		11 10

Lieut.-Col. Gillmor,—

To Board, two and a half days, Thorburn....	10 00	
" " " " " Herriman ...	10 00	
" Washing	2 00	
" Board, Messrs. Wood	39 10	
" " Messrs. Langmuir	11 10	
		72 20
" Board, two and a half days	10 00	
" Ale, $2.80	2 80	
" Wine, $1.75, $6.70, $1.50, $1.75, $6, $4....	21 70	
" Hack, $4, $3	7 00	
" C. W., 70c	0 70	
" Brandy, $4	4 00	
" Theatre tickets, $7.50	7 50	
" Bar, 80c	0 80	
" McLean's account	6 00	
" Hayes' account	5 00	
		65 50

Paid.

(Signed), NEWTON.

VISITS TO THE BAR.

Four dollars and a half for cigars in two and a half days, it must be admitted, is a liberal allowance for two persons, even if one is a Provincial Treasurer. The incessant smoking must have had its usual effect of rendering them thirsty; for notwithstanding the wine, ale and brandy, which figure so plentifully in the list, this was not enough for the Treasurer, who had to supplement them by sundry visits to the bar. It would naturally be thought that, having made the Province pay for his fare, his board bill and other expenses, when he wanted to indulge in a drink at the bar he would surely pay it out of his own pocket—but no, he calls his friends up to drink and tells the bar-keeper to charge it to the Province of Ontario! That Chicago bar-keeper must have formed an exalted opinion of Ontario Ministers, and their way of doing business, when they could charge a private bar account against

the Province. Then the party went off to the theatre in the evening, charging their tickets to the public expense! And so on through the list. What do the electors think of this? Do they approve of members of the Government, with their friends, going on a revel at the public expense? Apart altogether from the drinking character of the expedition, the trip was one wholly unjustifiable. There was no public object to be gained, and no excuse for it whatever. If gentlemen drawing large salaries from the public wanted to have a trip during the holidays, it would have been honest and honorable to have taken it at their own expense—it was simply an attempt to rob the Province, to take it at the public expense.

Taking Refuge Behind the Lieutenant-Governor.

When the expedition of the Corkscrew Brigade was dragged to light by the Public Accounts Committee and came up for discussion in the House, the Ministry took the most extraordinary course to ward off censure that has ever been known in any British assembly. They actually got the Lieutenant-Governor to write a letter, which was read to the House, taking the responsibility of the trip, and enclosing his cheque for $850, to refund the amount spent in liquor. Was ever such cowardice seen before in a Government commanding such a majority in the House? Afraid to take the responsibility of what they had done, and meanly calling upon the Lieutenant-Governor to violate constitutional rules and save them from censure. Those who know anything of the rules which govern Parliamentary proceedings in the British Empire are aware that it is a gross violation of the independence of Parliament for Her Majesty, or her representative, to interfere personally to influence the House in any matter before it; but it may not be amiss to quote from the standard authority, May's "Parliamentary Practice" (pp. 381-2), to show how strongly this is insisted on:—

"The irregular use of the Queen's name to influence a decision of the House is unconstitutional in principle, and inconsistent with the independence of Parliament. Where the Crown has a distinct interest in a measure there is an authorized mode of communicating Her Majesty's recommendation or consent, through one of her ministers;

but Her Majesty cannot be supposed to have a private opinion, apart from that of her responsible advisers; and any attempt to use her name in debate, to influence the judgment of Parliament, would be immediately checked and censured.

"On the 12th November, 1640, it was moved that some course might be taken for preventing the inconvenience of His Majesty being informed of anything that is in agitation in this House before it is determined. In the remonstrance of the Lords and Commons to Charles I., 16th December, 1641, it was declared:

"'That is their ancient and undoubted right and privilege that Your Majesty ought not to take notice of any matter in agitation or debate in either of the Houses of Parliament, but by their information or agreement; and that Your Majesty ought not to propound any condition, provision or limitation to any bill or act in debate or preparation in either House of Parliament, or to manifest or declare your consent or dissent, approbation or dislike, of the same, before it be presented to Your Majesty in due course of Parliament,' etc.

"On the 17th December, 1873, the Commons resolved,

"'That it is now necessary to declare, that to report any opinion or pretended opinion of His Majesty, upon any bill or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanor, derogatory to the honor of the Crown, a breach of the fundamental privileges of Parliament, and subversive of the constitution of this country.'"

VIOLATING CONSTITUTIONAL RULE.

In the face of this authority one would think that no Premier, having the slightest regard for Constitutional rule, would permit such a violation of it; and that no House, having a regard for its privileges, would tolerate it. But what cared Mr. Mowat for the Constitution when, by violating it, he saw a chance of wiggling out of a difficulty; and what cared his followers if they but got an opening to whitewash the Government! The letter having been read, they put up one of their followers to move an amendment in going into Committee of Supply, as follows (Journals, 1880, p. 135);—

Mr. WIDDIFIELD moved in amendment, seconded by Mr, STRIKER,

That the following words be added to the main motion—"And this House, desiring to comply with the expressed wish of His Honor the Lieutenant-Governor in that behalf, directs the Committee of Supply to reduce the proposed item of $5,571.22, for the payment *re* visit of His Honor to the North West, &c., by the sum of three hundred and fifty dollars, which last-mentioned sum appears to be more than sufficient to cover any of the said expenses that might be considered personal."

And the following members voted to condone the whole affair on payment of $350 by the Lieutenant-Governor:—

MESSIEURS

Appleby,	Gibson (Huron),	Murray,
Awrey,	Gibson (Hamilton),	Nairn,
Badgerow,	Graham,	Neelon,
Ballantyne,	Harcourt,	Pardee,
Baxter,	Hardy,	Patterson,
Bishop,	Hawley,	Paxton,
Blezard,	Hay,	Peck,
Bonfield,	Hunter,	Robinson (Cardwell),
Caldwell,	Laidlaw,	Robinson (Kent),
Cascaden,	Livingston,	Robertson (Halton),
Chisholm,	Lyon,	Ross,
Crooks,	McCraney,	Sinclair
Deroche,	McKim,	Springer
Dryden,	McLaughlin,	Striker
Ferris,	McMahon,	Waters,
Field,	Mack,	Watterworth,
Fraser,	Miller,	Widdifield,
Freeman,	Mowat,	Wood—54.

PUTTING IT SQUARELY.

The fact of His Honor, with a high-handed disregard of constitutional rule, saying that he would take the responsibility and refunding part of the amount, does not relieve the Ministry from blame—it but emphasises their wrong-doing. It was as if the Lieutenant-Governor had said to the House: "The Ministry did wrong; but don't censure them, and I'll refund the amount of the whiskey bill!" That did not alter the fact that the Government had paid the money six or seven months before, and there was no intention to refund any of it till it was dragged to light in the House. If His Honor and the Ministry thought they ought to pay for their whiskey bills themselves, would it not have been more honorable in them to have done so at the time, instead of paying them out of Provincial funds, and trying to smuggle it through till forced by the exposure of the Opposition to do something? But the mere refunding of $350 did not square the matter, for not one dollar of the trip should have been paid by the Province, and Mr. Meredith took occasion to put the matter squarely before the House by an amendment to an item in the estimates. He moved (Journals 1880, p. 138), seconded by Mr. Morris,

That the following words be added to the proposed amendment, "and this House, while prepared to assent to all reasonable appropriations for this service, does not approve of the practice of expending the public moneys of the Province for the purposes for which the sum of $5,456.22, as part of the item of $5, 571.22, appearing in the Public Accounts, under the head of 'Expenses *re* Visit of His Honor the Lieutenant-Governor to the North-West, etc.,' was expended, and is of opinion that the expenditure of the said sum, without the authority of this House, for the purposes for which, and in the circumstances under which the same was expended, was unwarranted and unjustifiable."

WHITEWASHING THE GOVERNMENT.

But the subservient majority in the House were bound to white wash the Government, and the following members voted the amendment down :—

MESSIEURS

Appleby,	Gibson (Huron),	Neelon,
Awrey,	Gibson (Hamilton),	Pardee,
Badgerow,	Graham,	Patterson,
Ballantyne,	Harcourt,	Paxton,
Baxter,	Hardy,	Peck,
Bishop,	Hawley,	Robinson (Cardwell),
Blezard,	Hay,	Robinson (Kent),
Bonfield,	Hunter,	Robertson (Halton),
Caldwell,	Livingston,	Ross,
Cascaden,	Lyon,	Sinclair,
Chishclm,	McCraney,	Springer,
Crooks,	McKim,	Striker,
Deroche,	McLaughlin,	Waters,
Dryden,	McMahon,	Watterworth,
Ferris,	Mack,	Widdifield,
Field,	Miller,	Wood,
Fraser,	Mowat,	Young.—53.
Freeman,	Nairn,	

What do the electors think of the Government which is responsible for this transaction, and of the members who sanction it by their votes? Already one of the principal actors has been condemned by an indignant electorate. Ex-Lieutenant Governor Macdonald in June last appealed to his old constituency of Glengarry, where he was in the habit of being elected by hundreds of a majority; but the electors told him in unmistakable terms that they ha[illegible]one with him. It is now for the people to deal with the Ministry, who are the greater offenders, and with the members who supported them in the affair.

MUTILATING A REPORT!

SCANDALOUS CONDUCT OF A MINISTER OF THE CROWN

Deliberately cuts out paragraphs to suppress evidence that prosperity is returning to the Province!

One of the most disgraceful chapters ever brought to light in connection with the public affairs of the Province was when last session

the Hon. Mr. Hardy was convicted of deliberately mutilating an Immigration Report, in order to suppress references to the returning prosperity of the Province. The Immigration agents throughout the Province are some of them Provincial and some Dominion officers, but make their reports to both Governments, and they are published in both blue books. Mr. John Smith, the Dominion Agent at Hamilton, had been in the habit of making references in his reports to the state of trade in the district, as a subject intimately related to Immigration, and these had been invariably published until the Ontario report for 1880 appeared, when it was discovered that the Provincial Secretary had deliberately mutilated the report, cutting out from it and *suppressing every paragraph referring to the revival of business!* Here is one of the paragraphs suppressed:—

"During the past year great improvements have taken place in this district in all branches of manufactures. Public confidence being restored, with a succession of good crops, has had a tendency to develop a general feeling of activity in all branches of industry, causing works that have been closed for years to be re-opened, capital being furnished by joint-stock companies, private individuals and firms. New manufactories have been built and old ones enlarged to meet the growing demands made upon the manufacturers, and the increased purchasing power of the consumers. Two new cotton mills have been erected and put into operation during the current year, and others are being projected. Woollen mills and hosiery factories are also being established, those already in operation not being ready to keep pace with the growing demand made upon them. All classes of manufactures are participating in the general prosperity, thereby giving increased and steady employment to all classes of mechanics, artizans, operatives and laborers, at remunerative and increasing wages."

And here is another:—

"The general business of the district shows a large increase in all branches of trade, both of exports and imports; the wholesale merchants have been prompt in their payments, and liabilities have been greatly reduced, whilst the country merchants have met their payments more satisfactorily than for some time past, and the retailers have been fairly prosperous, doing a larger and more satisfactory business. Failures have been fewer, confidence with traders has been restored, and new houses have been established in the various branches of business."

And then, again:—

"As an evidence of the increasing prosperity of the country, the respective earnings of the different railways in the Dominion show a large increase, and although the through lines have participated in the increased through foreign traffic, the local earnings of the Dominion have increased in a much greater ratio, as will be seen by reference to the last annual report of the Great Western Railway Company, at the general meeting of the shareholders, also by the report of the Directors of the Northern and North-Western Railway Companies, which are of a purely local character. The securities of all the railways have been very much enhanced in value since my last report, and

the Great Western Railway Company, owing to the increased traffic and rates of freight, combined with the low price of all railway supplies, both raw and manufactured, and the very low price of steam coal (during the first two years) for locomotive running, have enabled the Directors to meet all their engagements, including the interest on the bonded debt and preference stock of the railway, in addition to providing for the past due interest upon their preference stock, also providing for a small dividend upon the ordinary stock of the Company—a desirable state of affairs that they have not been able to accomplish for years past. In this city more buildings have been erected than in any previous year, and those of a public character are the most extensive and expensive that have been built for the past 20 years.".

ANTIPATHY TO THE N. P.

Electors will note that these paragraphs contain just the kind of information that should be given in connection with immigration—that the knowledge that business was reviving, manufactories springing up, merchants prospering, and railways beginning to pay, was just what would induce a desirable class of immigrants to cast in their lot with us—but they are all suppressed. It would naturally be thought that a Minister of the Crown would be the first to seize upon and publish to the world anything tending to put his Province in a favorable light; but the Provincial Secretary, sworn to look after the interests of Ontario, does not hesitate to mutilate a public document in order to suppress such information! When brought to book for it in the House, Mr. Hardy unblushingly admitted it, and sought to justify himself on the ground that these paragraphs would make a point in favor of the National policy, and he was determined that nothing of the kind would appear! Here is from the *Globe* (Jan. 20, 1882) when the matter was brought up:—

"Mr. Hardy rose to explain, stating that the report was prepared by a Dominion officer, and was full of semi-political matter, inserted to make a point in favor of the N. P. All matter of this kind had been struck out."

WITHOUT EXCUSE.

Even had these paragraphs been written by a Conservative officer, it would not have justified the Provincial Treasurer in suppressing them; but Mr. Hardy was denied the small satisfaction of such a contention, for Mr. Smith was not a political friend of the present Dominion Government, having been appointed by the Mackenzie Administration. But he had invariably in his report referred to the state of trade, and being a candid man, could not shut his eyes to what was going on around him, which he fairly stated, certainly with no political bias towards the Dominion Government. References to the state of trade in his reports had always been published previously; but as soon as the National Policy came into force, Mr. Hardy prostituted his positio

s an Ontario Minister to mutilate the report, for fear the National Policy would get credit. What about the doctrine laid down by Mr. Blake (*Globe*, Dec. 23, 1871), and subscribed to by the Reform Party "that the Government of the Province ought not to assume a position of either alliance or hostility towards the Government of the Dominion"? It is evident that that, with other Reform doctrines, has been trampled upon by the Mowat Government; and they have set themselves not only in hostility to the policy of the Dominion Government, but in hostility to the people of Ontario, as expressed by them in overwhelming majority at the polls, not even hesitating to mutilate public documents in their attempt to thwart its operation. What do the people of Ontario think of this transaction? If mutilation is to be allowed whenever it suits the purpose of the Government, what security is there that any other public document is safe in their hands? Backed by their subservient following in the House, Mr. Hardy and his colleagues were able to brazen it out when their scandalous conduct was dragged to light, but they have now to face the people, who will call them to account for it.

THE SURPLUS—WHAT IS IT?

During the *regime* of the Sandfield Macdonald Government and down to 1874, when just comparisons began to tell against the Mowat Government, the word "surplus" was invariably used to designate the amount by which the gross receipts of the Province had exceeded its expenditure for all purposes down to the date of such statement. Since then, however, there have been dragged into all Ministerial statements of the surplus the Trust Funds and certain other assets assigned to us at Confederation, and more recently the advances made for drainage purposes and premium on investments, obviously for the purpose of evading a fair comparison between the financial management of the present administration and the one that preceded it, and with a view to misleading the people of the Province as to the true position of their finances. With this explanation, let us proceed to treat of the "surplus" first, as representing the amount by which our gross revenue has exceeded our gross expenditure, and secondly as made up by the Mowat Government, leaving the character and purposes of the receipts and expenditures to be dealt with under other and more convenient headings.

THE CORRECT SURPLUS.

According to the last financial statement of the Provincial Treasurer there were on hand on the 31st December, 1882, the following Dominion securities and cash, viz.:—

Dominion 6 p.c. Bonds (costing)	$ 500,000 00
Special Deposits in Banks (at interest)	850,000 00
Bank Balances (current accounts)	249,488 85
Making a total of	$1,599,488 85

As compared with the following sums at the close of 1871, when the Macdonald Government were ejected from office (see Pub. Ac. of '71, pages 10 and 21) viz.:—

6 per cent Dominion stock	$ 350,000 00
6 " " Bonds*	500,000 00
5 " " Debentures (£150,000 stg.) cost	705,471 68
5 " " Bonds (£250,000 stg.) cost	1,192,333 33
Special Deposits in Banks (at interest)	890,174 31
Bank Balances (current accounts)	172,985 84
Making a total of	$3,810,965 16

Consequently the transactions of Mr. Mowat's eleven years (we hold him responsible for the brief period Mr. Blake was premier) show *a Deficiency of $2,211,481!* instead of a surplus of any kind.

* NOTE.—These are the Bonds still on hand.

THE MOWAT SURPLUS.

But in addition to the sums already credited ($1,599,488.85) to Mr. Mowat, as on hand and forming the correct surplus at the close of 1882, he lays claim to the following items as forming part of his surplus, viz.:—

1. Premium on Investments			$ 30,000 00
2. In the hands of the Dominion :—			
Common School Fund	$ 891,201 74		
Grammar School Fund	312,769 04		
Upper Canada Building Fund	1,472,391 41		
Land Improvement Fund	124,685 18		
Share of Library	105,541 00		
			2,906,588 37
3. Drainage Investments :—			
Five per cent. Drainage Debentures	271,214 44		
" Tile "	27,028 00		
Overdue Interest on above	1,152 00		
Rent Charges for Completed Works	327,374 00		
			626,768 44
4. Balance Municipal Loan Fund	76,000 00		
Mechanics' Institute, Toronto	7,661 79		
Mimico Farm Lots	6,520 61		
			90,182 40
Making in all			$3,653,539 21
Add amount already credited			1,599,488 85
Total			$5,253,028

Making the surplus claimed by Mr. Wood before deducting what he is pleased to admit as liabilities chargeable against the same.

Before proceeding further a few words of explanation with regard to some of these items will not be out of place :—

As the amount of this premium fluctuates with the money market and bears no interest we do not think it should be used to swell the surplus, but if it is it should be credited to the Macdonald Government, as they made the investment upon which it accrues in spite of the party now in power. (*See Journals of 1867-8, pages 14 and 18.*)

With regard to the five items in the hands of the Dominion, and aggregating more than one-half of the whole of the Mowat Surplus, they all stand to-day precisely as they stood on the 1st July, 1867, and on the 31st December 1871, with the exception of the Library item, upon which interest at the rate *of five per cent.* per annum has been accumulating, and the Land Improvement Fund, which has in part been paid over to the municipalities entitled thereto. Hence, if they are to be added to the Mowat Surplus, they must also be nearly all added to that left by the Macdonald Government.

If the balance still due from the Municipal Loan Fund is to be taken into the Mowat surplus, why not place all that has been realized from this asset since 1871 to the credit of the Macdonald surplus? It too, like the Trust Funds, came to us under Confederation, and, correctly speaking, every dollar derived from this source was, and is, a realization of a capital with which we set out in 1867.

With these explanations coupled with the fact that the Provincial Treasurer neglects to take into account as a liability, the large sums yet to be paid to railways; which have been voted to them by the legislature, and which he has repeatedly declared are not to be met out of ordinary current revenue, and must, therefore be provided for out of surplus, (I would require a sum of nearly three million dollars set apart to form a fund for meeting these payments as they fall due), we believe no further argument is necessary to prove that

THE MOWAT SURPLUS IS A MYTH.

But, the reader may ask, if Mowat's surplus is a myth, and the figures upon which it is based fallacious, if not dishonest, what then is the true state of our financial affairs as a Province? To this question we shall try to give an answer. To do so intelligently and satisfactorily it will be necessary to begin at Confederation. Without taking into consideration the capital with which we started as a Province, it is no more possible to arrive at correct conclusions, as to

WHITHER WE ARE DRIFTING,

than it would be for a merchant to say whether he was making or

losing money—without taking into account the capital with which he commenced business. We shall therefore try to discuss this matter from the same stand-point, as any ordinary business man would do his own financial affairs. First, then, let us consider

HOW WE STOOD AT CONFEDERATION.

In addition to the annual subsidy assigned us out of Dominion Revenue, and which it should not be forgotten was increased in 1873 by some $290,000 per annum, we were given (see sections 109 and 110 of the Confederation Act and Award of Arbitrators thereunder):—

1st.—To do as we pleased with:—

(a) The Crown Lands and timber and minerals connected therewith, and all sums then due or to become due on account thereof—Value unknown.

(b) Lunatic Asylum and Normal School debts—$36,800.

(c) Debt of the Law Society—$156,015.

(d) The Municipal Loan Fund debt—$6,792,136.

(e) Debt of the Agricultural Society—$4,000.

(f) University debt—$1,220.

(g) Share of Parliamentary Library—since ascertained to have been worth at Confederation $105,541.

Of course the figures placed opposite these seem to merely state the amount at which they then stood, or have since been found to stand in the public ledger at Confederation. They were not as a rule good for these amounts, and it would, therefore, be absurd to attempt to place a fixed value upon them either then, or in 1871, or now, except where any particular item has been fully realized or arranged for. It will, however, be perfectly fair that it should be assumed that each of these items *has been reduced* in value, since Confederation, just by the amount that has been realized from them at the time of striking a balance. Theoretically it may, no doubt, be urged that this is not a fair way of treating the monies derived from timber, as it is a growing commodity. Practically, however, its growth during the fifteen and a half years with which we are dealing has been so small that its increased value from this cause could not materially affect the figures which will follow.

2nd.—Funds assigned to us "for the purposes for which they were created," and for which the Province is simply a "trustee":—

(a) Upper Canada Grammar School Fund—(consisting of $312,769 in the hands of the Dominion, and the unascertained balance to be realized from the amounts still unpaid on account of lands sold, and from lands to be sold, belonging to the 250,000 acres set apart for this purpose.)

(b) The Municipalities Fund. (This fund is the residue of the settlement of the Clergy Reserve question, and the monies received

therefrom are paid over to the municipalities as received, less an allowance of 20 per cent. for cost of management.)

(c) Upper Canada Building Fund—(consisting of $1,472,391, set apart for expenditure on local works in Upper Canada as a compensation for the amount contributed out of the general funds for the settlement of the seignorial tenures in Lower Canada.)

(d) The Land Improvement Fund. (By the award of the arbitrators there was assigned for distribution to certain municipalities in this Province and bearing interest from Confederation until paid, from the Common School Land collections, $124,685, and following the principle upon which the award was based, from Crown Land collections, $101,771, making a total of $226,456, which the municipalities are entitled to receive.

(*e*) The Common School Fund. This fund stands in a different position from the others and must be treated somewhat differently. By paragraphs 8, 9 and 10 of the award of the arbitrators between the provinces it is provided that the amount which came into the hands of the Dominion at Confederation ($1,520,959) with "the monies received by the Province of Ontario * * on account of the common school lands * * SHALL BE PAID OVER TO THE DOMINION * * to be invested" along with that already in their hands, and that the "income realized" therefrom should from time to time be paid over to Ontario and Quebec in the manner directed in the Act creating the same. Under these circumstances the Common School Fund is only an asset of the Province to the extent of the income we derive therefrom, subject to the duty of distributing such income among the Common (Public) Schools.

So much for our assets at Confederation.

OUR LIABILITIES IN 1867.

On the other hand our liabilities were at that time practically *nil*, inasmuch as they consisted of our share of the debt of the old united Provinces which was subsequently assumed by the Dominion, and therefore only affected us to the amount of the interest thereon from the 1st July 1867 to the 1st July 1873, and our liability as Trustees for the management of the several trust monies which it became our duty to collect and distribute in accordance with the several trusts.

Before proceeding to lay before the reader "Balance Sheets" for December 1871 and 1882 it will be well to explain that it is proposed to leave out of both sides of these accounts *all the items which* have *not undergone any change since Confederation*, as it is believed that the placing of items unnecessarily on both sides of such statements serves rather to obscure than enlighten the reader. In accordance with this decision we shall omit from the following statements, the items *b*, *c*, *e*, and *f*, of

those placed under the heading of those assigned to us to do as we pleased with, and of those placed under the heading of Trust Funds,(2) we shall omit altogether items *b*, and *c*, and those portions of *a*, *d*, and *e* which still remain in the hands of the Dominion without being either added to or diminished by the action of the Provincial authorities. With this explanation the following

BALANCE SHEET FOR DECEMBER 1871

is submitted for the consideration of the reader :—

DR.

1.	To the following actual receipts :—		
	From Timber, Crown Lands, etc., after deducting therefrom cost of Crown Land Department, outside service, Refunds and Land Improvement Funds paid thereout	$1,550,001	
	From Municipal Loan Fund	596,587	
	" Grammar School Lands (net)	26,957	
	" Municipalities Fund collected and not paid over (see estimates '72)...	68,080	
	" Com. School Lands and payable to Dominion (see estimates '71 & '72	225,688	
	" Com. School Land Improvement Fund, not paid over, see estimates '72	12,662	
			$2,479,875
2.	To the following indirect receipts :—		
	To interest on Com. School Land Improvement Fund in hands of Dominion distributed as a part of the Com. School Fund	$ 24,986	
	To interest accrued due to Quebec on Common Schools Fund in Ontario's hands (say)	5,000	
			29,986
	Total.....		$2,509,811

CONTRA CR.

By investments and cash as per previous statement	$3,810,965	
" Interest accrued but not received on share of Library 4½ years	23,746	
A total of	$3,834,711	

of assets existing on the 31st December, 1871 which did not exist on the 1st July, 1867, and which, after deducting the amounts realized since Confederation directly and indirectly shows

A SURPLUS OF $1,324,900.

It is true that some contend that there should be charged against this sum the $1,500,000 set apart in aid of Railways, but it is thought

the better and fairer way is to charge the Mowat Government with the Macdonald investments and give them credit for the whole of the Railway payments, moreover to do otherwise would involve calculations of interest which would only complicate statements which it is our aim to make as plain and easily understood as possible.

Before leaving this part of our subject it will be well to call attention to the fact that the foregoing surplus of $1,324,900 more than equalled the entire receipts of the Macdonald Government from Interest on Investments, ($611,821, less the $5,000 credited as due Quebec, $606,821); from Marriage Licenses ($142,586), and from Tavern Licenses ($225,892) by $318,601. But of this more anon.

Let us now turn to the

BALANCE SHEET FOR DECEMBER, 1882,

made up in precisely the same manner and upon the same principles as the one for 1871.

		Dr.	
1. To the following actual receipts:—			
From Macdonald Government (less amounts due Municipalities and Land Improvement Funds paid in 1872		$3,730,273	
Timber and Crown Land receipts from 1872 to 1882, included as before		5,826,130	
Municipal Loan Fund		1,740,666	
Grammar School Lands, net		88,218	
Common School Lands, net		705,169	
Common School Land Improvement Fund in hands of Dominion	$124,685		
Land Improvement Fund payable per Estimates of 1882 and 1883	18,901		
	$143,586		
Less amount paid in 1882	111,158		
		32,428	
			-$12,123,184
2. To the following indirect receipts:			
From Municipal Loan Fund to collect		76,000	
Interest on Common School Improvement Fund in hands Dominion 11 yrs		68,576	
Interest accrued due Quebec on Common School Fund not paid over, say		70,000	
Interest on Library accrued under Macdonald Government		23,746	
Municipalities Fund collected and not paid over (see estimates, '83)		20,628	
			258,950
Total			$12,382,134

Contra Cr.

By investments and Cash as per previous statement.....	$1,599,428
Interest accrued but not received on share of Library 15½ years	81,794
Municipal Loan Fund, unpaid.....	76,000
Common School Land Improvement Fund in hands of Dominion, but paid or provided for.....	124,685
Or a Total of.....	1,881,962

Of assets existing in December, 1882, which did not exist at Confederation or have since had their standing changed, and leaving

A DEFICIT OF $10,500,172

to be accounted for by the Mowat Government *besides* the following revenues and extra revenues for which the Macdonald Government could either account or had not received, viz:—

Interest on Investments (after making provision for the $70,000 accrued to Quebec).....	$1,623,487
Marriage Licenses.....	76,418
Tavern Licenses.....	805,248
Extra Revenue from Dominion*.....	2,150,022
Macdonald Surplus of $318,601 was equal to an average Surplus of $70,800 per annum for 11 years.....	778,800
Making a further sum of.....	5,433,970

for which the Mowat Government have to render an account when comparing their expenditure with that of their predecessors, and making a Grand Total of $15,934,142.

This would have been on hand to-day had the expenditure averaged the same gross amount from 1872 to 1882, inclusive, as it did for the four and half years during which the "Patent Combination" held office, and with regard to which the *Globe* wrote in January, 1871, that "mere professions of economy and *boastful allusions to a surplus* ought not to induce any abatement of vigilance or weaken the most jealous scrutiny of every money-spending department."

Of course the reader will at once be told that this is a most unfair way of putting things, and instead of looking at the debtor side of the Mowat account we should look at the credit side—at the large amounts which they have in their generosity "given back to the people." Well, we have no objection to do so. The real difference between us and them is that we want to look at both sides, while they only wish to look at one. Having looked at one side, having proved that the Mowat Government have very much to account for, we now propose to show where all this money—we were going to say had gone, but that we cannot do; it will, therefore, be about as correct to say we propose to show where it has not gone.

*Note—The average Revenue *received* from Dominion from 1867 to close of 1871 was $1,095,135, average from 1872 to 1882, $1,290,901.

WHERE IT HAS AND HAS NOT GONE.

The items for which the Mowat Government claim most credit their Expenditure on Railways, Surplus Distribution, Maintenance Public Institutions, Expenditure for Education, Criminal Justice, Public and Drainage Works, and Colonization Roads, and to listen to their admirers one would suppose that not a dollar had been expended for any of these purposes by their predecessors. Up to the 31st December last they had expended :—

On Railways	$3,300,095
On Surplus Distribution	3,378,846
Or a total of	$6,678,941

For purposes for which, it is true, their predecessors did not spend a dollar.

On Public Institution Maintenance a total of $3,802,992. But against that they received from the same institutions an aggregate revenue of $565,665, leaving their net expenditure $3,237,327. But, again, the Macdonald Government spent $709,024 for the same purpose during their four and a half years, and received therefrom $61,287, leaving their net expenditure $647,737, or an average of $143,941 per annum, or equal to a gross sum for eleven years of $1,583,351. Taking this sum from the expenditure of the Mowat Government we have left $1,653 976 as the amount chargeable against the large sum for which we are now trying to account.

On Expenditure for Education.—The amounts expended for this purpose have been large, but not by any means all in the interest of the people. By going over the public accounts from confederation down to the close of 1881, and taking the estimated expenditure for 1882, and selecting therefrom the amounts paid to common, separate, poor and high schools and collegiate institutes and for superannuation of teachers, we find that there was paid out, during the eleven years, $3,953,338, less revenue $166,216, leaving net expenditure $3,787,122. But during their time, the Macdonald Government spent $1,208,648, less revenue $6,925, leaving net expenditure $1,201,723, or an average of $267,050 per annum, and equal to for eleven years $2,937,550, and leaving the extra expenditure of the Mowat Government for these purposes $849,572.

On Criminal Justice paid to Counties, the expenditure was during the Macdonald regime, $432,532, or an average of $96,118 per annum; for the last eleven years it has been, taking the Public Accounts and estimates for 1882 for our authority, $1,372,857. The annual average expenditure under the preceeding Government, would foot up to $1,057,298, and leaving the extra expenditure, under this heading, but $315,559.

On Public Works and Buildings, the expenditure for the first four and a half years of confederation was $1,115,708, or $247,055 per annum, at which rate it would aggregate $2,727,505 during the following eleven years; whereas the actual expenditure during that time was $2,872,478, and leaving only $144,073, to be charged against that nearly $16,000,000.

On Drainage Works, there was expended by the Macdonald Government $155,720, or $84,604 per annum; by the Mowat Government $721,458, less returns $337,608, leaving their net expenditure $383,850; while the average expenditure of the Macdonald Government would have equalled during the same period $380,004 and leaving $3,246 to be paid out of their extra receipts.

On Colonization Roads, the corruption fund *par excellence*, the expenditure has been liberal—$1,084,207 during the eleven years. During the Macdonald regime the expenditure was $193,258, or $42,946 per annum, or equal to $472,406 for eleven years, and bringing the expenditure paid out of extra revenue down to $611,801.

Now let us see how much we have been able to account for :—

Expenditure on Railways and Surplus			$ 6,078,041
Extra Expenditure on		Public Institution Maintenance	1,053,076
do	do	Education, distributed to people	849,572
do	do	Criminal Justice, paid counties	315,550
do	do	Public Works and Buildings	144,073
do	do	Drainage Works	3,246
do	do	Colonization Roads	611,801
Making a total of			$10,258,068

Leaving

STILL UNACCOUNTED FOR—$5,676,074

As the Municipalities (Clergy Reserve) Fund has not been taken into consideration in any of the foregoing statements, and as the Mowat Government claim the amount of this fund distributed to the people as "one of their gifts," it may be well to mention that while the Mowat Government claim credit for having paid out to date on account thereof the sum of $547,828 (see Financial Statement of 1882, page 23), the Macdonald Government during their term of office distributed $317,794; consequently they did more relatively in this way than their successors, and if credit is to be given to either therefor, the larger measure of credit is due in this instance, as in nearly every other, to the Government of Sandfield Macdonald.

DEFICITS.

The popular idea throughout the Province is that we have an overflowing Treasury, with a handsome surplus yearly; but although that was the case under the Government of the late Mr. Sandfield Macdonald, it is not so under the present Government; from 1874 every year except 1881 the expenditure exceeding the gross revenue, leaving a large deficit to be taken out of the accumulated surplus, as the figures from the Public Accounts will show. Here are the receipts and expenditure under the Sandfield Macdonald Government:—

	Receipts.	Expenditures.	Surplus.
1868	$2,366,810	$1,199,130	$1,167,780
1869	2,697,348	1,488,291	1,209,057
1870	2,500,695	1,280,663	920,032
1871	2,333,179	1,816,866	516,313
Aggregate surpluses under Sandfield Macdonald			$3,813,182

Under the Government of Mr. Blake there was also a surplus, but the year after Mr. Mowat came in deficits commenced, and we have had a series of them. Here are the figures:—

	Receipts.	Expenditure.	Surplus.	Deficit.
1872	$3,060,747	$2,220,742	$840,005	.....
1873	2,961,515	2,940,803	20,712	.....
1874	3,446,347	3,871,492	.....	$ 425,145
1875	3,156,665	3,604,524	.....	447,919
1876	2,589,222	3,140,627	.....	551,405
1877	2,502,566	3,112,904	.....	610,338
1878	2,285,201	2,902,388	.....	617,187
1879	2,250,269	2,941,714	.....	691,445
1880	2,451,935	2,518,180	.....	66,245
1881	2,746,772	2,585,053	161,719	.....
1882	2,880,450	2,920,161	.....	39,711
			1,022,436	3,449,395
Nett Deficit under Blake and Mowat				2,426,959

It will be observed that 1881 was the only year since 1874 that the revenue has equalled the expenditure, and that result was accomplished by the proceeds of the extensive timber sale temporarily swelling the revenue. But it will be said these deficits are made to a great extent by taking into account large payments to railways and other items which should not fairly be charged against current revenue. *This is practically admitting what we have been arguing*—that the railway payments not being met out of current revenue, must be charged as a liability against the surplus.

LIVING ON CAPITAL.

The income of the Province is mainly derived from two sources The annual payment from the Dominion being about half of the tota. receipts, and constituting with some small items what may be called our permanent revenue. In addition to this the Province receives large sums from the sale of its lands and timber; but this source of revenue it will readily be seen is temporary, and it is not safe to go on using it up in current expenditure as fa.t as it is realized. Yet that is just what the Mowat Government has been doing for years past. The extent to which we have been living on capital will be seen by a glance at the figures for the past five years. Leaving out of the receipts the income from sale of property and municipal loan fund, and leaving out on the other side all the expenditure in aid to Railways, Municipal Loan Fund Distribution, Drainage Investments, Public Works and Buildings, Colonization Roads, &c.,—every item that can possibly be called capital expenditure—the figures for the past five years stand as follows:

	Recipts.	Expenditure.	Deficit.
1878	$1,708,853	$1,897 657	$ 98,804
1879	1,701,277	1,882,463	91,186
1880	1,769,798	1,885,482	115,684
1881	1,753,754	1,923,041	170,287
1882	1,784,907	2,015,638	230,638
Total Deficit in five years			$706,602.

That is to say if the Province had never aided a railway, never assisted drainage, nor built a single public work or colonization road, we would still, since 1878, have had to DRAW ON OUR CAPITAL TO THE EXTENT OF OVER SEVEN HUNDRED THOUSAND DOLLARS TO MEET OUR ORDINARY CURRENT EXPENSES! It is as if a farmer, failing to live from the income of his farm, went selling off a portion of it every year and using the money realized in meeting his ordinary expenses, and because he found no difficulty in making ends meet in this way, imagined his affairs were in a . . rishing condition! What do the people think of this method of financing?

INCREASING EXPENDITURE.

Whilst the revenue of the Province is almost stationary, if not diminishing, the Mowat Government has gone on year by year in-

creasing the annual expenditure, till they have nearly doubled the ordinary expenditure since 1871, as a reference to the figures will show. Leaving out of the expenditure in each year that for public works and buildings and colonization roads (which are expenditure on capital account), on refunds, which are simply a paying over of monies collected in trust and on elections (there being a general election in 1871), the comparison between 1871 and 1882 stands as follows:—

	1881.	
Total Expenditure		$1,816,866
Public works and Buildings	$430,620	
Colonization Roads	55,409	
Refunds	186,240	
Elections	19,505	
		691,874
Ordinary Expenditure		$1,124,992

	1882.	
Total Expenditure under Supply Bill		$2,480,885
Public Works and Buildings	$149,866	
Colonization Roads	210,650	
Refunds	41,348	
Elections	4,175	
		805,889
Ordinary Expenditure		$2,125,840

Or the ordinary expenditure nearly doubled since 1871! Of course it will be argued that the Province is growing in population, and there would, therefore, naturally be an increase in cost of Government; but how does the facts stand? The population in 1871 was 1,620,858, and in 1881, 1,928,228, or an increase of less than 19 per cent. Taking the same rate the increase of population from 1881 to 1882 would be less than 21 per cent., while the ordinary expenditure was increased 90 per cent! But it is argued that this is an unfair comparison, inasmuch as we have large expenditure for maintenance of institutions which were not in existance in 1871. Apart from this altogether, the expenditure on Civil Government has been from $74,671 in 1871 to $187,016 in 1882, or an increase of 69 per cent., as against 21 per cent. in population. In Legislation the increase has been from $74,571 in 1871 to $165,016 in 1882, or an increase of 120 per cent. Last year there were a couple of exceptional items under this head, viz., for Agricultural Commissioner and Sessional expenses for 1882-3, but deducting these amounts, the expenditure for Legislation was still $130,721, or an increase of 75 per cent. over 1871, as compared with an increase of only 21 per cent. in population. In the different departments the figures all show the same startling increase—for instance, the Attorney General's Depart-

ment in 1871 cost $10,241, and in 1882, 15,188, or an increase of 48 per cent; the Treasury Department for 1871 cost $10,084, and in 1882 it had gone up to $15,699, or an increase of 55 per cent; The department of Public Works (including Agriculture) in 1871 cost $12,927 and in 1882 $18,619, or an increase of 44 per cent,—and so on throughout the list, everywhere the increase has been far in excess of what the growth of the Province could warrant. Is it not high time the people of the Province seriously pondered this state of affairs—that they took heed to the warning sounded by the *Globe* on 28th May, 1880, when it suggested THAT BURDENS OF EXPENDITURE NOW BORNE BY THE PROVINCE WOULD HEVE TO BE PLACED ON THE MUNICIPALITIES IN ORDER TO AVOID DIRECT TAXATION, and resolved to get rid of a Government which had brought our affairs to such a pass.

THE BOUNDARY QUESTION.

The Ontario Government has resolved to appeal to the electors of the Province chiefly upon two matters, in dealing with which Ministers hope to arouse sectional jealousy, to the manifest injury of the Federal pact. Of these the controversy upon the boundary is by far the more important, since every party to the dispute professes to desire a speedy, legal and equitable adjustment. Whether the Ontario Ministers are sincere or not in the professions of impatience at delay, will perhaps appear in the sequel. For the present we desire to point out that Mr. Mowat is going to the people on false pretences. Whilst shrieking for the ratification of an award, already dead and buried, as he has virtually admitted, over and over again, he keeps that award dangling before the public eye, as though all the virtue had not long since gone out of it. With the instincts of a charlatan, he is striving to delude the electorate by means in which he has ceased to believe, because he is in the secret of the trick.

Had the Premier firmly resolved to take his stand upon the award, without listening to compromise, his credit as a statesman would have been impaired, and yet he might still have retained unimpeached his character for honesty. To have persisted in clamouring for the award would have been a proof of conspicuous imbecility. Mr. Mowat is well aware that without Parliamentary ratification, the decision of the arbitrators is null and void. That fact, as will be shown, he has placed on record in a Provincial statute, and in state

papers for which he stands responsible. When the House of Commons, on the 4th April, 1882, finally refused to sanction the award, it practically dropped out of the reckoning. Ministers still hoped for its ratification by a new Parliament, and boasted of their hope, and yet, although they took the stump throughout Ontario against the Dominion Government, another Parliament has been elected as adverse to the award as its predecessor.

In such a case what is the part of wisdom? To continue the utterly futile agitation for a defunct finding, or to make the best of the situation, and lose no time in securing an authoritative judgment upon the case? The latter is the course insisted upon by the Ontario Opposition. So long as there was any chance that the Dominion might accept the award they voted with the Government in its favour; and that even after Mr. Dawson's committee had reported adversely to the House of Commons. But after the passage of the Bill enlarging the boundaries of Manitoba, after the distinct refusal of the Dominion Parliament to entertain the award, and, above all, the final rejection of it by the House of Commons, what good purpose has to be served by "standing up" for a measure which lies prostrate in the grave?

It then became the duty of rational men to secure the Province against further delay by at once taking their stand upon the reference to England, proposed by the Dominion ten years ago. That was a statesmanlike course, and will, we believe, commend itself to the great majority of the electors of Ontario. Meanwhile, what has been the position of the Government, if not a shambling, shuffling, intermittent and illogical one? Over and over again, Mr. Mowat has played the game of see-saw with this important matter, now leaning to the award, anon proclaiming his readiness to appeal to the Judicial Committee. If he were sincere in his protestations in favor of the award, why not abstain from constant reference to his willingness to go to the highest tribunal? If he is not playing with the country, why not at once declare to the Dominion Government that he is willing, as he declared in 1881, to go to the Privy Council, and enter forthwith into negotiations on that basis. There is nothing to prevent his taking that manly course, except an unwillingness to confess that he has been wrong, and that to take the only course he can himself assert to be practicable, would be to confess that the Opposition, led by Mr. Meredith, has been all along in the right. In short, he desires an election cry, and finds it in senseless talk about an impossible "robbing" of Ontario, whilst he himself, should he persist in his present course, and be unfortunately permitted any longer to mix and muddle the matter, will prove Ontario's real defrauder for at least the term of his four years' mandate.

He must either adopt the Opposition policy or injure the Province by persistence in what he knows to be an impotent and unfruitful course of action. During the Session just closed, he, contradicting his co-

league, Mr. Pardee, stated that the Government had not yet refused to appeal to the Judicial Committee. "The time," he archly said, "has not yet come to consider that," as if he had not procured authority from the House long ago to agree to such a reference. How long will it take him to make up his mind about it? We can inform the reader; until, after befooling the people and regaining power by a false pretence of championing the award, he can laugh at them, and then commit the so-called treason for which he reproaches opponents whose love for the Province is so far superior to his that they refuse to act with men who are playing this double game of thimbles—viz., going between award and Privy Council, to the loss and injury of Ontario.

Let us now descend to particulars.

THE BOUNDARY IS FIXED BY LAW.

Sec. 6 of the B. N. A. Act, 1867, reads thus:—

"The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper and Lower Canada, shall be severed, and shall form two separate provinces."

The limits of Ontario are thus absolutely fixed by Imperial legislation, and it becomes the duty of the Dominion and the Province to ascertain them. This fact was recognized and urged by Mr. Mowat in his Report of Nov. 1st, 1881, in which he is referring to the Imperial Order-in-Council annexing the Hudson Bay Company's possessions to the Dominion:—

"Her Majesty had no power to deprive Ontario of any part of its territory. The British North American Act having expressly declared that the territory 'which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario.'"—*Sessional Papers, Ontario, 1882, No. 69, p. 437.**

The same fact has been frequently noted by the Dominion Parliament; as, for example, in the despatch of the Secretary of State to the Lieutenant-Governor of Ontario, dated Jan. 27th, 1882:—

"There is a legal boundary between Ontario and the recently acquired North-West Territories, and as representing the various Provinces of the Dominion which have acquired that territory, it is the duty, it is conceived, of the Government of the Dominion not to give away any part of it, nor to agree to arbitration upon its boundary, but to ascertain what its legal extent is."—*Dominion Sess. Papers, 1882, 37 and 37a, p. 27.*

Both parties in the controversy are thus agreed that there is a true boundary to be found, not a conventional one to be made, whether by arbitration or otherwise. When, therefore, the partizans of the Ontario Government clamour about a "robbery" of this Province by the Dominion Government or Parliament they are uttering palpable non-

* Sessional Paper 69 is identical with the volume of Boundary Documents 1882.

sense. Neither the Crown nor the Dominion authorities can deprive Ontario of any portion of the territory assured to her by the B. N. A. Act.

THE POINT AT ISSUE.

Nothing strikes those who have studied the documents made public, with greater clearness than the fact that Sir John Macdonald foresaw and foretold the trouble that would arise from resting content with anything short of a judicial determination of this question. Towards the close of 1871, the two Governments agreed to a joint commission for "the survey and location" of the boundary between Ontario and the North-West Territories. The Commissioners were named, and in March, 1872, the Dominion Premier submitted a draft of instructions to be given to them. This document brought out at once into bold relief the opposing views of the two Governments. It may be well to quote the salient points in each case:

The Dominion position was this: "The boundary in question is clearly identical with the limits of the Province of Quebec, according to the 14 George III, cap. 83, known as the Quebec Act, and is described in the said Act as follows: That is to say: Having set forth the westerly portion of the southern boundary as extending along the river Ohio 'westward to the forks of the Mississippi,' the description continues from thence (i.e. the junction of the two rivers), 'and thence northward to the southern boundary of the territory granted to the Merchants Adventurers of England trading to Hudson Bay.'" *Sess. Papers (Dominion) 1882, No. 37, p. 4. Ditto (Ontario), No. 69, p. 218.*

The Ontario proposed description runs thus: "The boundary line of Ontario is the international boundary from the north of the Pigeon River, on Lake Superior, to a point west of the Lake of the Woods, where the boundary line would be intersected by a line drawn north from the source of the Mississippi River; thence the boundary line runs north to the point of intersection of the southern boundaries of the Hudson's Bay Territories, thence the boundary line of Ontario is the southern boundary of these Territories to the point where that boundary would be intersected by a line drawn from the head of Lake Temiscaming." *Sess. Papers (as above), No. 37, p. 9; No. 69, p. 230.*

In brief, theDominion decided that the word "northward" from the junction of the rivers means due north, hence, although the words "along the banks of the Ohio," were previously used in the Quebec Act nothing is said about following the course of the Mississippi; nor is there any reference to a line from the source of the latter stream. The Premier, on the other hand, urged that "northward" signified in a northerly direction along the Mississippi to its source, and then due north to the Hudson Bay territories. Both the Dominion and the Province had substantial grounds for argument; but they were at issue so palpably as to call for a judicial interpretation of the Imperial Statute.

SIR JOHN MACDONALD'S PROPOSAL.

As the parties to the controversy could not agree, the Dominion Premier at once urged a reference to the Judicial Committee of the Privy Council, in a report dated May 1st, 1872. From this we extract the following:—

"Having reference to the prospect of a larger influx of people into the North-West territories, it is very material that crime should not go unpunished or unprevented, and in this view the undersigned has the honor to suggest that the Government of Ontario be invited to concur in a statement of the case for immediate reference to the Judicial Committee of the Privy Council of England, with a view to the settlement by a judgment or decision of that tribunal, of the Western and Northern boundaries of Ontario.

"This is the more necessary, as no conventional arrangement between the two Governments can confer criminal jurisdiction on the Courts of Ontario unless the place where the crime is committed is, by law, within the Province."—*Sess. Papers 1882, (as above), No. 37, p. 10, No. 69, p. 231.*

On May 31st the Ontario Government declined the proposal, and suggested the enlargement of the Province under the "British North America Act, 1871," above already referred to. From the reply, contained in a Report dated November 7th, 1872, an extract may be cited:—

"To place the territory in dispute, pending the settlement of the question, within the limits of Ontario for criminal purposes, whilst not at all providing for the sale and management of lands, or granting titles thereto, or for civil jurisdiction, would, there is grave reason for apprehension, be beyond the powers conferred by the B. N. A. Act of 1867, AND WOULD BE OBJECTIONABLE, NOT ONLY AS TENDING TO RENDER ONE PARTY TO THE DISPUTE LESS ANXIOUS POSSIBLY FOR ITS SETTLEMENT, BUT ALSO AS CALCULATED TO EXERCISE A PREJUDICIAL INFLUENCE ON THE ULTIMATE ASSERTION OF THE RIGHTS OF THE DOMINION."

"The Committee are of opinion that the evidence upon which the decision of the boundaries in question would depend, is chiefly, if not altogether, of a documentary character, and would be found rather in the Imperial Archives than in America," (and so it turned out subsequently), "and that any which exist here might readily be supplied, WHILST AN AUTHORATIVE DECISION BY THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL WOULD BE FINAL, AND COMMAND THAT GENERAL ASSENT WHICH IS SO IMPORTANT IN ENDEAVOURING TO ADJUST QUESTIONS OF AN INTERPROVINCIAL CHARACTER."

"There are objections also to this proposal (arbitration) as regards the mode of conferring legal powers upon such a commission, and the Committe doubt whether any other tribunal than that of the Queen in Council would be satisfactory to the other Provinces of the Dominion in the decision of questions in which they have a large interest; the importance of which is, by current events, being constantly and rapidly augmented, and they respectively recommend THAT THE PROPOSITION FOR A REFERENCE BY HER MAJESTY IN COUNCIL BE RENEWED TO THE GOVERNMENT OF ONTARIO."—*Sess Papers, No. 69, pp.* 230

To this report no reply was vouchsafed, and Mr. Mackenzie became Premier on November 7th, 1873. Meanwhile, as the Ontario Government had been busy in collecting evidence, it may be presumed that it intended to join in an appeal to England.

THE REFERENCE TO ARBITRATION.

Before referring to the course taken by the Arbitrators, it may be well to meet the charge put forward by the agents of Mr. Mowat, that Sir John Macdonald acquiesced in the reference. In the *Hansard*, reporting the Commons Debates on March 12, 1875, Mr. Mackenzie after referring to the proposal made to refer the dispute to the Judicial Committee, said "WHILE THERE WAS NO PARTICULAR OBJECTION TO THAT COURSE, it was thought advisable by the present Government that it should be settled in the way he explained," (*i.e.* by Arbitration) *Debates, p. 653*; and now let us hear Sir John Macdonald's reply:

"With reference to the proposed settlement of the boundary lines, HE WAS SORRY THAT THE SUGGESTIONS OF THE LATE GOVERNMENT WERE NOT CARRIED OUT, AND THAT THE MATTER WAS NOT REFERRED TO THE PRIVY COUNCIL FOR AN AUTHORITATIVE DECISION. He would like to know whether it was the duty of these Arbitrators to decide where the line was to run, or simply to decide upon a line which they would recommend to be adopted."

"Mr MacKenzie replied that the exact instructions had not yet been communicated to the Arbitrator in the Dominion, but he might say he felt that the Arbitrators SHOULD BE LEFT TO DEFINE WHERE THE LINE SHOULD BE, THOUGH STRICTLY NOT ACCORDING TO THE INTERPRETATION OF THE LAW, IF THERE SHOULD BE ANY DOUBT ON THAT SCORE," *Debates, p. 655.*

Again to quote from Sir John's remarks:

"HE HOPED THE AWARD OF THE ARBITRATORS, WHATEVER IT MIGHT BE, WOULD NOT BE FINAL, BUT WOULD BE SUBJECT TO THE RATIFICATION OF THE GOVERNMENT, AND BE SUBMITTED TO PARLIAMENT." *Ibid, p. 656,*

Finally:

"Sir John Macdonald pressed strongly upon the Government that the Arbitrators should be asked to find, first, WHERE THE WESTERN BOUNDARY LINE OF ONTARIO WAS BY LAW, and second, the eastern boundary of Manitoba. Then they might also be authorized to report a conventional line other than the line they might say was the legal boundary, as being a convenient one, considering all the circumstances of the case."—*Ditto, p. 656.*

Mr. Blake's view was the same as Sir John Macdonald's:

He "said he was sure the Arbitrators would discharge their duty to the best of their ability. Under the Imperial Act it was only by joint legislative action of the Provinces affected, and of the Dominion, that the boundaries, whatever they were, could be altered; THEREFORE IT WAS ONLY AN AUTHORITATIVE EXPOSITION OF THE LAW ITSELF THAT COULD BE OBTAINED, AND ANYTHING ELSE WOULD BE MERELY SUGGESTIVE." —*Ditto, p. 658.*

From these extracts it is evident that Sir John Macdonald still

urged a reference to the Privy Council; but that, finding himself in a minority, he insisted upon the discovery of the legal boundary, and also upon the submission of the award to Parliament. It is also that whilst Mr. Mackenzie was indifferent to the legal aspect of the question, Mr. Blake, speaking as a lawyer, insisted upon this point. To this day the latter has never ventured to affirm that the true boundaries have been ascertained

THE REFERENCE TO ARBITRATION.

So long as Sir John Macdonald remained in power, he peremptorily declined every proposal in the way of settlement except appeal to the highest Court of the Empire, because thus alone could an authoritative decision be obtained. We have seen that the Ontario Government were quite ready to adopt this plan, and only haggled over conditions. In fact, they set about preparing Ontario's case. In the Lieutenant-Governor's speech, at Toronto, after referring to the progress of negotiations, we find the following:—

"Meanwhile I have directed investigations to be made which were necessary to the establishment of the rights of Ontario, and a mass of evidence in favor of the boundaries claimed by Ontario has been accumulated, *which will, I hope, prove abundantly sufficient to secure a favorable result.*" *Sess. Papers, (Ont.), No. 69, p. 240.*

This speech was read on the 8th of January, 1873, ten months before Mr. Mackenzie obtained power; so that a reference to England was then contemplated at Toronto. Had the party persisted in their original intention, "a favorable result" might have been obtained years ago. Instead of that, four years were wasted in obtaining an award which, as the event has proved, is unacceptable to one of the parties, and, therefore, worthless. Finally, on the 8th of January, 1874, the Lieutenant-Governor in his speech, expressed a hope that there would be no delay in the decision as to "*the true and permanent boundary.*" Moreover, on the 23rd of March, in the same year, Mr. Mowat secured the passage of a resolution in the Ontario Assembly, approving "of the reference of the question of the western boundary of this Province TO ARBITRATION, OR TO THE PRIVY COUNCIL." *Ibid*, p. 242. Mr. Mackenzie's Government decided for arbitration, and Mr. Mowat, of course, yielded. Moreover, although the Ontario Government felt it necessary to fortify itself with legislative sanction to the arbitration, *no such authority was either sought or obtained from the Parliament at Ottawa.*

THE AWARD INVALID WITHOUT PARLIAMENTARY RATIFICATION.

It has been asserted by the advocates of high-flying prerogative, that the award would be valid, without legislative endorsement, and

that the passage of ratifying Acts is a mere matter of form—a concession to courtesy, not a right. Let us see. The Report on which the Ontario Order-in-Council is based, bearing date November 10th, 1874, contains the following clause:—

The undersigned recommends that the Province agree to concurrent action with the Dominion IN OBTAINING SUCH LEGISLATION AS MAY BE NECESSARY FOR GIVING BINDING EFFECT TO THE CONCLUSION WHICH MAY BE ARRIVED AT, AND FOR ESTABLISHING THE NORTHERN AND WESTERN BOUNDARIES OF THE PROVINCE OF ONTARIO IN ACCORDANCE THEREWITH.

So soon as the arbitration was agreed upon, the Ontario Legislature passed an Act regarding the Boundaries (38 Vic. chap. 6 and Rev. Stat. chap. 4). In the preamble will be found the following clause:

"And whereas, SUBJECT TO THE APPROVAL OF THE PARLIAMENT OF CANADA AND THE LEGISLATURE OF ONTARIO, it was agreed by the Governments of the Dominion of Canada and the Province of Ontario that the questions which have arisen concerning the said boundaries should be determined by reference to arbitration."

The Act then proceeds to give the consent of Ontario to a ratification of the award, and its declaration as law by the Dominion Parliament. And yet it is now contended that Parliament is bound to ratify the award, whether it meets its "approval" or not!

MR. MACKENZIE'S POSITION.

The Ontario Premier urged Mr. Mackenzie to secure the passage of a similar Act in the Dominion Parliament, nominally because it was an unusual course. His actual reason is thus disclosed by his Toronto organ:—

"Had there been any ground whatever for suspecting that the award was in the slightest degree too favourable to Ontario, the Dominion Government might have been justified in declining or REFUSING TO BE BOUND BY IT. MR. MACKENZIE, WITH HIS USUAL CAUTION, RESERVED THE RIGHT TO DO SO FOR CAUSE."—*Globe*, *Feb.* 14, 1882.

Nor was that a hasty expression of opinion afterwards discovered to be erroneous. This very year the same journal has said:—

"Mr. Mackenzie, however, DECIDED TO WAIT TILL HE KNEW WHAT THE AWARD WAS BEFORE HE CONFIRMED IT."—*Globe*, *January* 10, 1888.

It is plain from these positive statements:—

1. That Mr. Mackenzie intended the Dominion Parliament to have a real, and not formal, voice in the ratification or rejection.

2. That he, consequently, agreed entirely with Sir John Macdonald upon this point.

3. That the accusations of bad faith made against the Dominion, and the attempted analogy between international arbitrations, are false and misleading.

4. That Parliament, in deliberately rejecting the award, acted

within its right, since Mr. Mackenzie would have done the same thing, had it so pleased him.

5. That, by the terms of the reference, the action of Parliament having rendered the award of none effect, the only question which now arises is that of a new reference. The award is, in fact, dead and buried, beyond the reach of any political resurrectionist.

THE AWARD.

The Order-in-Council by which the reference to arbitration was decided upon passed on November 12th, 1874. From that date until the last day of July, 1878, nothing was done, so far as appears from the public documents. Meanwhile two arbitrators had been appointed, both of them had been removed, the one by death, the other by elevation to the Supreme Court Bench. On the 31st of July the three new nominees were chosen. The arguments of counsel were heard on the 1st, 2nd, and 3rd of August, 1878, and on the last of these days the award, which is brief and unaccompanied by any reasons, was delivered. It is not at all necessary to enquire whether the finding of the arbitrators actually established legal, that is to say, the true boundaries of Ontario; still it may be well to note that those gentlemen, through the mouth of the only one now in the Dominion, have declared that they had "no data by which to determine the north and western boundaries;" and that they selected a "natural line to save the great cost of surveys."

WHO ROBBED ONTARIO?

In May, 1881, Sir Francis Hincks delivered a lecture on the boundary question; and in the following year replied to some criticisms upon that lecture. It was then discovered for the first time that, so far from fulfilling their appointed mission, they had deliberately rejected both the Dominion and Ontario lines, and struck one for themselves without regard to the limits fixed by statute. In fact they admittedly robbed Ontario. From Sir Francis' lecture and his letters to the *Globe* we make the following extracts:—

"The effect of selecting the natural boundary was, as any one can see from the map, TO TAKE AWAY FROM ONTARIO A CONSIDERABLE QUANTITY OF LAND, AND TO GIVE IT TO THE DOMINION."

"The boundaries thus determined were in no sense 'conventional,' having been found by weighing every particle of legal evidence working for or against the claim of either party to the dispute, AND DECIDING EVERY DOUBTFUL POINT AGAINST ONTARIO."

"The only question as to the western boundary was whether IT SHOULD NOT HAVE BEEN 450 MILES FURTHER WEST; and, as to the northern boundary, whether it should not have been formed by a line due west from James' Bay, WHICH WOULD HAVE GIVEN TO ONTARIO A VERY MUCH GREATER TERRITORY THAN WAS HELD TO BE LEGALLY HERS"—(that is by the arbitrators).

It is clear from these facts, that the real robbery of Ontario must be laid at the door of those who were insisting upon the boundaries as determined by the Arbitrators. They "took away" territory from Ontario and "gave it" to the Dominion. By an appeal to the Judicial Committee this Province will gain every acre to which it is entitled, and that is what we want—neither more nor less than our legal rights.

DOES THE AWARD SECURE TO ONTARIO ITS LEGAL BOUNDARIES?

The answer to this question may be given in the words of an Ontario Statute. In the preamble of *42 Vic., cap. 2*, we read:—"And whereas, THE EFFECT OF THE AWARD IS TO GIVE TO THIS PROVINCE LESS TERRITORY than had BEEN CLAIMED IN BEHALF OF THE PROVINCE, and more territory than the Government of Canada had contended to be within the limits of the Province, or than was contained within the Provincial lines aforesaid."

Mr. Mowat's organ has the temerity to assert now that Ontario knowingly claimed more than its due so as to secure a portion of it. If so, the Local Government must have acted dishonestly, because they had in hand all the documents and stated the case with their eyes open. Is the Globe's accusation against its leaders—serious and damaging as it seems—formed in truth? Certainly not, as may be easily proved.

Let us first take Mr. Mills' view on March 12th, 1875. Sir John Macdonald, in discussing the North West Territories Bill, said—

"According to one contention, the head of Lake Superior belongs to the North-West; according to the other contention (and he thought that would be supported by the hon. member for Bothwell), the Province of Ontario runs to the Lake of the Woods, or perhaps farther."

Mr. Mills—"VERY MUCH FARTHER." *Debates*, 1875, *p.* 656.

Subsequently Mr. Mills said:—

"Under the Quebec Act of 1774, the western limit of what now remained to us as the old Province of Quebec, was fixed at the forks of the Saskatchewan, and the head waters of the Mississippi. By an Order-in-Council that was adopted in 1791, it was declared that the western limit of the western portion of Quebec erected into Upper Canada, shall extend to what is known as the western limit of Canada under the French. THAT, HE APPREHENDED, WOULD EXTEND TO THE ROCKY MOUNTAINS."—*Ibid*, p. 661.

Mr. Mowat, however, clearly saw that an Order-in-Council could not supersede an Act of Parliament, he, therefore, stated Ontario's case thus:—"Ontario contends that a true construction of this language (that is, of the Quebec Act) requires that the line northerly from the confluence of the Ohio and Mississippi SHOULD FOLLOW THE MISSISSIPPI TO ITS SOURCE."—*Sess. Papers*, 1882, *No.* 69, *p.* 269.

In making that claim, the Attorney-General unquestionably believed it not to exceed Ontario's due, and, therefore, he has never ceased to

complain, since the award was made, that it deprives Ontario of a very large portion of her territory. Is it not evident, then, that unless Ontario's case be altogether baseless, she is entitled to much more territory than was conceded by the award? Such being the state of affairs, what have we to fear from an appeal to the Queen's Privy Council—a tribunal in which the people of this Province can repose implicit confidence, and whose decision would be conclusive, authoritative, and final? And now let us quote the words of Mr. Laurier, not as they were afterwards toned down by the hon. gentleman but as they appeared in the official reporter's notes:—"But let me refer to the position of my fellow-countrymen from the Province of Quebec. When it was asserted we were sacrificing the rights of our Province, it was objected that the territory of Ontario was already great, and that this award made it still greater; and it was added if a large population settled there, Ontario would have a large preponderance of power in the Dominion. Now, let us suppose that the question is opened anew. THE AWARD MAY BE SET ASIDE, AND IT MAY BE THAT ONTARIO WILL BE INCREASED to the extent claimed as her right by the Dominion Government, or it may be that the territory of Ontario will be increased to the extent claimed by Ontario, and granted by Sir George Cartier (!), namely to the Red River—what then? YOU WILL HAVE THE PROVINCE OF ONTARIO MADE GREATER THAN IT IS BY THE AWARD."—*Commons Debates, Avril* 4, 1882, *p.* 25.

We have then Mr. Mowat accepting the award, although he contends that it does not give Ontario one-thirteenth of the territory to which she is entitled; and Mr. Laurier, from Quebec, also accepting it because he fears that an appeal to the Judicial Committee will give this Province much more that the arbitrators conceded it. Is it not clear, from these statements, that the award does not define the true legal boundaries, and that Ontario has everything to gain by its rejection, and a reference to the highest tribunal in the Empire?

PARLIAMENT AND THE AWARD.

It is necessary to insist strongly and emphatically that a rejection of the award by the Dominion utterly destroys it. Upon this point, however, there is further evidence at hand. Mr. Blake's view in 1876 as to the duty of the arbitrators, and the scope of the reference has already been cited. Let us see what he thought of the power of Parliament in 1880. He was then opposing the appointment of the Dawson committee.

The question, what was the true boundary, was the question for resolution. I wo not pretend we are absolutely bound by this award, nor does any man sitting on this side of the House. It is certain we are not so bound and that the Act made (*Sic.* though probably would

be "only made") by which this country can be formally bound by any award, is an Act of Parliament, and that the power to decide questions of this kind, even by Acts of Parliament was given us, not very long ago, by an amendment of the British North America Act.—*Commons' Debate, Feb. 18th, 1880.*

At that time Mr. Blake evidently held that the fate of the award depended on its acceptance or rejection by the Dominion Parliament. In 1880 the Commons had appointed a committee which reported adversely to the award. But no action was taken upon it—a fact to be carefully borne in mind when the so-called inconsistency of the Ontario Opposition comes under review.

In the same debate just referred to, Sir John Macdonald followed Mr. Blake, and thus clearly expressed his opinion of the award:—

"It was left to arbitration; and to show how unwise it was to leave it to arbitration—although the question submitted to the arbitrators was the ascertainment and settlement of the true boundary between Ontario and the North-West, they laid down a mere conventional, a convenient boundary.

Mr. Mills—No.

Sir John Macdonald—Yes; I could prove it in any court in the world. They did not affect to set up the true boundary according to law; but they thought this would be a convenient and expedient boundary. They had no right to do this, they went beyond their commission in doing it. . . . . They did not find the true boundary, and not having found it THEIR AWARD IS A PIECE OF WASTED PAPER, and the claim of the Dominion, according to law, remains unaffected in any way by that ineffective, ineffectual, and illegal award."

This explicit declaration of the Dominion Government's position towards it was not made, let it be clearly noted, until the 18th of March, fifteen days after the Ontario Opposition had supported for the second and last time, Mr. Mowat's resolution adhering to the award. The aspect of affairs was entirely changed by this statement, and, in the refusal to give effect to the award, at once destroyed any value it may have possessed. On the 4th of April, 1882, the House of Commons passed a resolution, by a vote of 116 to 44, disposing of the question:

"That, in the opinion of this House, it is expedient that the Western and Northern Boundaries of the Province of Ontario should be finally settled by a reference to, and an authoritative decision by either the Supreme Court of Canada or the Judicial Committee of the Privy Council of Great Britain, or by the Supreme Court in the first place, subject to the final submission to the Judicial Committee, as the Province of Ontario may choose, etc." *Sess. Papers, Ont., 1882, No. 69, p. 490.* This resolution proposed by Mr. Plumb, will be referred to hereafter in connection with any arrangements for the management of the disputed territory pending the reference proposed.

Mr. Mowat had no right to offer objection to an appeal to the

Supreme Court, because he had placed upon the Statute-book an enactment that that Court should have jurisdiction :—

"Of controversies between the Dominion of Canada and this Province." *40 Vic. c. 5, Sec. 1.*

The Ontario Premier notwithstanding this Statute, objected that the decision of the Supreme Court would not be final—an objection which would be against a reference to the Supreme Court of any "controversies" coming under the Act just cited.

MR. MOWAT'S SURRENDER.

It may surprise many of his supporters, by whom he is looked up to as an uncompromising champion of the award, and nothing but the award, to learn that long before the Dominion Government or Parliament had pronounced upon the question, he made a clear admission that that award was a dead letter. Yet such is the undoubted fact.

On the 1st of February, 1881, a full month before he was urging the Assembly to "stand by" the award, he wrote to Ottawa as follows:—"I trust, also, that authority will be given to the Ontario Government to deal with the land and timber in the disputed territory, subject to our accounting therefor, in case our right to the territory should not be maintained."—*Sess. Papers (as above) p.* 404.

On the 15th of March in the same year, the Ontario Premier pressed the Dominion Government not to extend the easterly boundary of Manitoba, but that such extension shall "be provided for by future legislation should any COMPETENT AUTHORITY DECIDE THAT ONTARIO IS ENTITLED TO LESS TERRITORY THAN BY THE AWARD IS DECLARED TO BELONG TO THIS PROVINCE." *Sess. Papers, Ont.*, 1882, *No. 69, p.p. 409-10.*

On the 1st of November, 1881, in a Report to the Executive Council, Mr. Mowat, the unflinching and uncompromising champion of the award, wrote as follows, "The undersigned ventures to recommend that he may receive authority from your Honour in Council to endeavour once more, by personal conference or otherwise as may be found expedient or useful, to ascertain for the information and action of this Government, and of the Legislature of Ontario at its next Session, whether the Federal Government and the Government of Manitoba can now be induced to concur IN ANY MODE OF ACCOMPLISHING A PERMANENT SETTLEMENT IN RELATION TO THE DISPUTED TERRITORY in connection with adequate and proper provisional arrangements; and if so, what the best terms appear to be to which those Governments may be prevailed upon to accede." *Sess. Papers*, 1882 (*as above*), *p.* 461.

THE PREMIER'S INCONSISTENCY.

In the Report just quoted, a passage occurs to be given in full hereafter, in which Mr. Mowat recommends the statement of a case "for the immediate decision of the questions at issue by Her Majesty's

Privy Council," And yet the Lieutenant-Governor, in a despatch dated 18th February, 1882, is made to say that the consent of Parliament is not necessary to give validity to the award.

These are the words :

" The recognition of the Award by the Parliament of Canada is desirable to prevent doubts and disputes; but my Government DO NOT ADMIT THAT THE AWARD HAS NO LEGAL FORCE WITHOUT SUCH PARLIAMENTARY ACTION. It is to be remembered that the British North America Act CONTAINS NO PROVISION GIVING AUTHORITY TO PARLIAMENT TO DEAL WITH THE BOUNDARIES OF THE DOMINION OR PROVINCES; and my Government contends that the reference was within the powers incident to executive authority." *Sess. Papers*, 1882, *No.* 69, *p.* 474.

The despatch goes on to say that as a reference to the legal tribunals would have been proper; so must be a reference " with the acquiescence of Parliament for several years "—which was never given —to a " Tribunal " created by the two Governments. This is Star-Chamber doctrine with a vengeance Let us see what this passage now shows :—

1. An admission of the doctrine previously denied that although with the consent of the Province, Parliament can extend its boundaries; yet it cannot fix them as legally defined by an Imperial Act. That is precisely what Sir John Macdonald has all along contended, and it cuts the ground from under Mr. Mowat's feet when he urged that the awarded boundaries might be settled under the " B. N. A. Act, 1871." This argument, if it amounts to anything, proves that an Imperial Act is required.

2. The legal tribunals in Canada are constituted by statute, and by statute is their jurisdiction declared. Their decisions are binding subject to appeal to England, because they are the creations of law and not otherwise.

3. On the other hand, no authority given by the B. N. A. Acts, or any other Act, authorizes the executive to create a Tribunal—the initial capital is not ours—without legislation, Things have come to a fine pass when a Reform Government contends that, of its own mere motion, the Executive can clothe a tribunal of its own creation, with all the attributes of a court of justice.

To shifts so desperate, and positions so distinctly unconstitutional, has Mr. Mowat been compelled to resort. And be it observed that this untenable ground is taken after the Ontario Legislature had solemnly declared in 1874 (*Rev. Stat. Ont. c. 4, clause quoted*) that the award is " subject to the approval," and, consequently, invalid without it; in the teeth of Mr. Blake's admission; in cruel disregard of Mr. Mackenzie's " usual caution," and in utter forgetfulness of Mr. Mowat's own admissions on the subject. Finally, on the 9th of March, 1882, the Ontario Government re-

curred to the old constitutional position, and contemplated an immedi ate appeal to the Imperial Privy Council, not as desirable in itself, but as a disagreeable necessity! See Resolution 9 moved by Mr. Mowat in *Sess. Papers*, 1882, *p.* 486. Thus within less than a month we find Mr. Mowat posing as a modern Strafford, and ignoring the primary maxims of responsible Government, and then wheeling back into the constitutional line he had taken at first. Could weakness, vacillation and inconsistency exhibit themselves more pitiably?

THE LAST HOPE SHIVERED.

On the 31st December, 1881, the Lieutenant-Governor was made to say:—"Without such provisional arrangements" (of which hereafter) "this Province may as well wait for the confirmation of the award, which (so far as concerns the rights and powers still remaining to the Dominion) MY GOVERNMENT CONFIDENTLY EXPECT FROM ANOTHER PARLIAMENT, as go to the expense and have the unavoidable delay of a second litigation."—*Sess. Papers (as above) p. 464.* In order to "materialize" this hope, if we may borrow a term from Spiritualism, the Ontario Premier and his colleagues took the stump in Ontario, aided by their Dominion allies. With what result? They were badly routed on their own ground, and "another Parliament" will maintain the same position as its predecessor, with no prospect of any change for five years, and the slenderest possiblity of one at the end of a decade. One would have thought that, after the unmistakeable verdict of last June, Mr. Mowat would have been found amenable to reason. He knows full well that there is no chance of the award being ratified by the new Parliament; why, then, does he not unite with the Opposition in appealing, without delay, to the highest Court in the Empire? Simply because he is, above all things, desirous to keep his place, and thinks to do so by fraudulently posing as the champion of Ontario. He knows, no man better, that even if he were returned again with a majority at his back, both he and his obsequious following would be impotent in the matter. They must either adopt the policy of Mr. Meredith and his party, or keep Ontario out of its territory for years to come. In the former case he is seeking the support of the electors on false pretences; in the latter, like the dog in the manger, he will neither secure to Ontario the territory which is justly hers, nor allow anybody else to do the Province that essential service. Ought the people of this intelligent country to be duped by duplicity so transparent?

THE ATTITUDE OF THE ONTARIO OPPOSITION.

The Government, followed by its supporters in the House and in the press, is making a desperate. yet utterly hopeless, attempt to fasten a charge of inconsistency upon the members of the Ontario Opposition.

The demagogues have even gone so far as to stigmatize those who, whilst determined to secure Ontario's rights, propose to adopt the only practicable course to that end as "unpatriotic" and as "traitors to Ontario." Now, what course would any rational man pursue, under existing circumstances, supposing only his own private interests were in question? Let the reader simply review the dispute in imagination, and put himself in place of the Province. This may readily be done by following the course of the boundary dispute. The assent of Parliament to the award is, beyond question, necessary to its enforcement. Any result of arbitration, whether it regards private or public property, "subject to approval" from the Legislature, becomes absolutely null and void when that approval is peremptorily refused. The Ontario Opposition, so to speak, effaced itself, and followed the Government in urging the award upon the Dominion Government, so long as Parliament had not pronounced its final decision regarding it. Even after Mr. Dawson's Committee had reported adversely to the award, in the absence of any authoritative decision by Parliament, it was still open to both Provincial parties to "stand up" for the award.

Under these circumstances Mr. Meredith and his friends voted for the resolutions of 1880 and 1881. They were not bound by the language in which the Government couched their motions, but simply supported the conclusion arrived at on both occasions. So far the Opposition simply acquiesced in what was then a practical course of action. But the Dominion Parliament, had by the terms of the reference, and by the admission of the Ontario Legislature, embalmed in statutory form, a right to accept or reject the award. Mr. Mackenzie, "with his usual caution," had reserved to himself the right to take the latter course for cause. The present Government at Ottawa, believed that it had cause, and therefore acted as the late Premier intended to do, under similar circumstances. Whether the reasons which moved the Dominion are valid or not is beside the question. All that concerns those who desire to see the dispute properly and speedily adjusted is that this award has been rejected clearly and definitively, and therefore "standing up" for it is utterly vain and futile.

MR. MOWAT THE FIRST TO GIVE WAY.

It is alleged that the Opposition after pledging themselves to press for the ratification of the award, abandoned its position in 1882. Is that true? The resolutions of 1880 and 1881 could only have any meaning so long as there was a prospect of inducing Parliament to accept the award. Of what possible use could any pressure at Ottawa be after the explicit declaration that the award was not to be ratified? Without that ratification the award became a dead letter, and no rational man could be bound by any pledge to stand up for an instrument, which, for all practical purposes, had ceased to exist. With the declaration of

Sir John Macdonald in 1881, and the resolution of the House of Commons in 1882, the award entirely disappeared from the scene, and all that remained to do was to arrange for a reference to the Judiciary. That should be obvious enough to every elector of Ontario.

Further, the charge against the Opposition, resolves itself into this, that after having promised to sustain the Government, so long as there was any utility in so doing, they afterwards changed their minds, and proposed a reference to the Judicial Committee. Well, who began it? Who first set the example of adapting himself to altered circumstances? Mr. Mowat, months before the resolutions of 1882 were introduced.

In a report already referred to, dated November 1st, 1881, the Premier writes: "If this Province were willing, the Federal Government, and the Government of Manitoba might now concur with this Government IN STATING A CASE FOR THE IMMEDIATE DECISION OF THE QUESTIONS AT ISSUE BY HER MAJESTY'S PRIVY COUNCIL (WHICH WAS A PROPOSAL OF THE FEDERAL GOVERNMENT IN 1872); and might in connectiontherewith concur in some reasonably satisfactory provisional arrangements," &c.—*Sess. Papers*, 1882, *No*, 69, *p. 460*.

Nor is that all. Among the resolutions proposed by Mr. Mowat on the 9th of March, 1882, will be found the following:—

"But this House concurs with the Government in recognizing the possible expediency, under all the circumstances, *of an immediate reference of the Privy Council* of the questions of the award and the boundaries on the condition (in order to avoid further delay, and unnecessary difficulty) that the reference shall be based on the evidence collected and printed for the arbitrators, with any additional documentary evidence, if such there is; and on the further condition that, pending the reference, the territory, its population and lands shall, by the legislative consent of all parties, be subject in all respects to the laws of this Province, including the jurisdiction of its Legislature and Government." *Sess. Papers (as above), p.* 486.

THE OPPOSITION AMENDMENT.

From this remarkably lucid and logical document a few paragraphs may be inserted here:—

"That the award made by the Arbitrators being, as it now is, by reason of the promises, wholly NUGATORY AND INOPERATIVE, THE WHOLE QUESTION REMAINS UNDETERMINED, AND THE PARTIES TO THE NEGOTIATIONS ARE REMITTED TO THEIR ORIGINAL RIGHTS AND POSITION, and it is now, in the judgment of this House, in view of the grave difficulties and inconveniences arising from delay, of paramount importance that an early settlement of the question in dispute shall be come to."

"That in the opinion of this House, it is the duty of the Government of Ontario, under the authority of the resolution above referred to (the reference to arbitration having proved abortive) to take steps FOR THE IMMEDIATE SUBMISSION OF THE MATTERS IN DISPUTE BETWEEN THE TWO GOVERNMENTS FOR DECISION BY THE ALTERNATIVE MODE AUTHORIZED BY THE SAID RESOLUTION—a reference to the Judicial Committee of Her Majesty's Privy Council, and a mode which was proposed by the Government of Canada, led by Sir John Macdonald as early as the year 1872, and which that Government is still willing (as shown by the

correspondence submitted ...ng the present Session) to agree to." —*Sess. papers (as above), p.* 488.

"That the correspondence with the Dominion authorities satisfies this house that the Government of the Dominion, notwithstanding that, by the terms of the agreement for the adoption of the conventional boundaries before referred to, it is entitled to administer the lands in the territory west and north of the conventional boundaries until the final adjustment of the true boundaries of the Province IS PREPARED to come to reasonable arrangements FOR THE GOVERNMENT AND ADMINISTRATION OF AFFAIRS IN THE TERRITORY IN DISPUTE; and in the opinion of this House, it is the duty of the Government of Ontario to enter into immediate negotiations with the Government of the Dominion, with a view to effecting suitable arrangements of that character, including an equitable arrangement for the administration and disposal [of the lands in the territory in dispute.' —(*Ibid, p.* 489.)

Now the only difference between Mr. Meredith's plan and the Governments is not regarding the reference to the Privy Council, but as to the provisional arrangements to be made in the mean time. If then the members of the Opposition are to be charged with "treason" and inconsistency so is Mr. Mowat, with this important distinction that to him belongs the honour of setting the example!

AN IMPOSSIBLE PROPOSAL.

The Ontario Government showed its insincerity by repeating a proposal made and rejected by the Dominion long before, as already proved by an extract given from Sir. John Macdonald's Report of November 7th, 1862. That proposal was to place the territory pending a settlement, under the contr olof the Government of Ont. io. The Dominion objected then—(1). Because it doubted its power to do so, but (2), because it would tend "TO RENDER ONE PARTY to the dispute less anxious possibly for its settlement, but also calculated to EXERCISE A PREJUDICIAL INFLUENCE ON THE ULTIMATE ASSERTION OF THE RIGHTS OF THE DOMINION."—*Sess. Papers, Ont. (as above), p.* 238.

Indeed, no Canadian Premier, without betraying his trust, could, for a moment, entertain such a proposition. Let us see what Mr. Mackenzie, then guardian of the Dominion interests, said upon this subject in 1876. Speaking of the assistance he had received from the Hon. Mr. Morris, then Lieutenant-Governor of Manitoba, he said :—

"Although we were not politicallv allied, it does not prevent us from entering cordially into matters connected with these territories, and it was entirely his opinion, AS WELL AS THE OPINION OF THIS ADMINISTRATION, THAT UNTIL THIS BOUNDARY QUESTION BETWEEN ONTARIO AND THE NORTH-WEST TERRITORIES IS SETTLED, THE PORTION WEST OF MANITOBA SHOULD BE GOVERNED BY THE AUTHORITY SETTLED IN THE PROVINCE. We cannot apply the laws of Ontario to any part of that territory, although it may belong to this Province until the boundary is decided on." *Commons Debates*, 1876, *p.* 197.

To Mr. Blake:

"The proposition was simply to keep the *status quo* in this terri-

tory UNTIL IT WAS EITHER ANNEXED TO MANITOBA or otherwise dealt with so as to be in possession of provincial rights and privileges."—*Ibid. p.* 461.

We have thus the united authority of Sir John Macdonald, Mr. Mackenzie and Mr. Blake against the irrational proposal made by Mr. Mowat. The boundary question is still unsettled, nor is it likely to be adjusted, so long as the present Local Government remains in power; therefore, the pet scheme of the Premier stands condemned by the chiefs of both parties.

THE OPPOSITION AMENDMENT OF 1883.

It has been noted that, with the exception of one spasmodic sentence, the Ontario Government has always admitted that the award reuired the sanction of Parliament to give it validity. Proof of this may be given from the protest against the admission of Manitoba as a third party to the dispute. Said Mr. Mowat, through the Lieutenant Governor:

"Hitherto the assent of the Dominion of Canada to a settlement of the question has been necessary for that purpose and would be sufficient."—*Despatch, 15th March*, 1881. *Sess. Papers*, 1882, *No.* 89, *p.* 409.

The complaint was that now Manitoba's assent was also necessary. The Dominion having since refused to ratify the award, there is an end to it, Mr. Mowat himself being judge. That fact was recognized, though thrust in the background in the resolutions of 1882, proposed by the Government, and clearly set out by the Opposition. In 1883, Mr. Meredith proposed the following motion:—

"That this House, in view of the declarations of the leader of the Government that 'the urgent importance of the immediate settlement of the boundaries of Ontario has been repeatedly affirmed by the Government of Canada before Confederation and afterwards, and the urgency has been increasing year by year,' and that 'it never was so great as it now is,' regrets THAT NO STEPS HAVE BEEN TAKEN BY THE GOVERNMENT OF ONTARIO FOR THE FINAL DETERMINATION OF THE BOUNDARIES IN DISPUTE BY MEANS OF A REFERENCE TO THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL OF ENGLAND, although the Federal authorities continue to urge upon them a settlement by that method, and evince a willingness to agree to just arrangements for the administration of justice, and the management and disposal of the lands in, and the government of, the territory in dispute, pending the reference; and, in the opinion of this House THE RESPONSIBILITY FOR THE EVILS ARISING FROM THE DELAYWHICH HAS OCCURRED SINCE THE REFUSAL OF THE PARLIAMENT OF CANADA, TO GIVE EFFECT TO THE AWARD, OR WHICH MAY HEREAFTER TAKE PLACE, RESTS UPON THE GOVERNMENT OF ONTARIO."

Such is the "stand" which the Ontario Opposition have taken, and are prepared to abide by, when its members face the electors. Not a statement of fact can be disputed, and the conclusion that upon the Government's shoulders rests all responsibility, past and to come, for any delay in the securing of Ontario's just rights is irrefragable.

THE DOMINION PROPOSALS.

Ministers have more than once asserted, even during the late session, that the Ottawa Government has made no propositions whatever regarding the provisional government and administration of the disputed territory. It may, therefore, be well to place in juxta-position the actual suggestions of both parties, so that the electors may judge for themselves how far this statement is true; and then whether the Dominion proposals seem fair and equitable or otherwise.

ONTARIO PROPOSALS.

The evils arising from this state of things are so great, and are increasing so rapidly, and it is so important that that the Province should without further delay secure peaceable possession of whatever limits it is entitled to, that my Government would be willing, with the concurrence of the Legislature, to submit the matter to the Privy Council, on condition of consent being given by the Dominion Government and that of Manitoba, and by the Parliament of Canada and the Legislature of Manitoba, to just arrangements for the government of the territory in the meantime.

Without such provisional arrangements. this Province may as well wait for the confirmation of the award, which (so far as concerns the rights and powers still remaining to the Dominion) my Government confidently expect from another Parliament, as go to the expense, and have the unavoidable delay of a second litigation *Sess. paper 69, page 464.*

(1) By reason of the award, and of its accordance with the contentions of the Province and Dominion of Canada up to 1870, the *prima facie* title to the territory must be admitted to be in the Province of Ontario; and it was therefore proposed that, pending the dispute, this Province should have the authority of the Dominion to deal with the lands and timber (as in the other parts of the Province), subject to an account if the title is ultimately decided to be in the Dominion, and not in the Province.

(2) As (without a state of practical anarchy) there cannot continue to be two systems of law in this great territory of 39,000 square miles, the law of Ontario should, by proper legislation,

DOMINION PROPOSALS.

That, in the opinion of this House, it is expedient that the western and northern boundaries of the Province of Ontario should be finally settled by a reference to, and an authoritative decision by either the Supreme Court of Canada or the Judicial Committee of the Privy Council in Great Britain, or by the Supreme Court in the first place subject to a final submission to the Judicial Committee, as the Province of Ontario may choose; that such decision should be obtained either on appeal in friendly action brought for the purpose, or by reference to the said courts, or both of them, by Her Majesty, under the powers conferred upon her by the Imperial and Canadian Parliaments, as the Government of Ontario may perfer; and that the said reference should be based on the evidence collected and printed, with any additional documentary evidence, if such there is, and that pending the reference the administration of the lands shall be entrusted to Joint Commission appointed by the Governments of Canada and Ontario. —*Sess. papers 69, p. 490.*

" 30. As regards the Government of the country, and the enforcement of law and order in the meantime, IT WAS INTIMATED TO MR. MOWAT, AT THE INTERVIEW ABOVE REFERRED TO, THAT THE GOVERNMENT OF THE DOMINION WOULD BE READY TO AGREE TO SUCH MEASURES AS WERE NECESSARY TO PREVENT CONFUSION IN THESE IMPORTANT RESPECTS. The suggestion

be declared to govern in regard to matters which, by the British North America Act, are within Provincial jurisdiction. This, or any other arrangement with regard to these matters, will now require legislation by Manitoba.

(3) It was further proposed that, pending the dispute, the jurisdiction of our Courts and officers should be recognized and confirmed; and that the jurisdiction of our stipendiary magistrates in the disputed territory should be increased to the extent contemplated by the disallowed Act, 42 Vic., cap. 19, Ont. This extended jurisdiction, it may be observed, would not be so great as the jurisdiction which has been conferred by Dominion Statutes upon similar magistrates in the territories of the Dominion. To prevent doubts, there should be legislation by the Federal Parliament, and by the Legislatures of both Manitoba and Ontario.—Ibid. p. 464-5.

Or, if the Dominion Government is not willing to agree to the arrangements suggested, my Government would be glad to be informed what the best terms are to which your Government is prepared to agree, for the final settlement of the question of right, and for the provisional government of the territory in the meantime. I beg to remind you once more that since the award, no terms have ever been proposed to this Government with reference to either matter, unless it may be in the informal, and so far nugatory, negotiations which have recently taken place with the Attorney General.—*Ibid. p. 465.*

But this House concurs with the Government of the Province in recognizing the possible expediency, under all the circumstances, of an immediate reference to the Privy Council of the questions of the award and the boundaries, on the condition (in order to avoid further delay and unnecessary difficulty) that the reference shall be based on the evidence collected and printed for the Arbitrators, with any additional documentary evidence, if such there is; and on the further condition that, pending the reference, the territory, its population and lands, shall, by the legislative consent of all parties, be subject in all respects to the laws of this Province, including the jurisdiction of its Legislature and Government.—*Ibid. p. 186.*

was then made that all justices of the peace residing in the disputed territory should receive commissions from both Ontario and Manitoba, that all the judges of Ontario and all the judges of Manitoba SHOULD BE PUT IN A JOINT COMMISSION AS REGARDS THE DISPUTED TERRITORY; the laws of Ontario and Manitoba being alike in MOST RESPECTS, NO CONFUSION WOULD PROBABLY ARISE. That in criminal matters the Act 43 Vic., cap. 36, had made, it was thought, satisfactory provision, OR IF THERE WAS ANYTHING DEFICIENT THE GOVERNMENT OF THE DOMINION WOULD BE READY TO ASK PARLIAMENT TO SUPPLY IT. That where there was found to be a practical difference between the laws of Ontario and those of Manitoba, the Government of the Dominion would use its good offices with the Government of Manitoba to induce them to consent that the law to be administered should be that of Ontario as regards all matters of provincial jurisdiction until the legal limits of both provinces should be finally ascertained." *Sess. papers, page 471.*

See Above.

The reader may now estimate at its true value the Ontario Governments contention that the Dominion has made no offer to negotiate touching provisional arrangements. Now what proposal could be fairer than that of a Joint-Commission, prejudicing no claims, and giving undue advantage to neither party? The civil and criminal jurisdiction would both be provided, and in addition the equitable administration of the lands and timber. What more can Mr. Mowat want,? unless the power to manipulate the lands and timber so as to eke out his depleted surplus, and give him other capital as a FUND for extravagant outlay—other territory as a new field of patronage?

ON CONDITION.

There as elsewhere, during the controversy, the Government has chiefly distinguished itself by a plentiful use of "ifs" and "buts." In 1881, as we have seen, it was in precipitate haste to go to the Judicial Committee "on condition," and then "on" the further conditions "that he could lay his hands on the "land and timber." During last session Mr. Mowat was asked point-blank whether he would accept the Joint-Commission. His answer was, "Yes, upon conditions." How has it come to pass that it has taken him nearly a year to come to this conclusion, and why, instead of using the question as a demagogue would use it, does he not boldly, like a man, tell the Dominion Government on what "conditions" he will accept the reference to England, and the Joint-Commission? His only reason is because he thinks more is to be made at the polls by exhibiting the corpse of the award, which he intends to fling in the ditch as soon as it has served his purpose. The entire history of the controversy shows, beyond doubt, his settled plan to delude the people of Ontario. Enough has appeared during the last session to show that the Government is acting an insincere and disingenuous part. They know well enough that the terms of a new reference alone concern this Province, and that their pretended championship of the award is a hollow sham.

THE APPEAL TO POPULAR PREJUDICES.

Instead of honestly declaring that there is only one course open for adoption—a course to which Mr. Mowat has clearly committed himself, ministers appeal to the constituencies to sustain them in a course they have perforce abandoned. Even if the award were still likely to be ratified, the Premier ought not on his own showing to accept it. He holds with Mr. Laurier that Ontario would get more territory by appealing to the Judicial Committee. Read his words on the 26th of January, 1882:

"It was to be remembered THAT IT WAS NOT 100,000 SQUARE MILES THAT ONTARIO CLAIMED, BUT A MILLION SQUARE MILES. If Mr. Mackenzie

had proposed to pass an Act confirming the result of the arbitration, which, if favorable to Ontario, might have given them a million square miles, it would have been binding." "Mr. Meredith said that the reason for the (Mackenzie) Government at Ottawa withholding its sanction to the award was the jealousy of the other Provinces. But if they found that objection insuperable, what would their objection have been before the award was made, and when an Act must have COMMITTED THE PARLIAMENT TO THE SANCTIONING OF ONTARIO'S FULL CLAIM FOR ONE MILLION SQUARE MILES?"

From this we gather (1) the reason for the use of Mr. Mackenzie's usual caution; (2) the reason why Mr. Mowat's confirmatory Act was not to come into force without a Governor's proclamation, so that he also might reject the award; (3) the fact that Ontario has been defrauded by the award; and (4) that if it had been favorable to Ontario, it ought to have given a million instead of 100,000 square miles, and yet Mr. Mowat claims credit for "standing up" on behalf of so gross a wrong to the Province!

THE SECRET OF THE GOVERNMENT'S COURSE.

It has been already seen that the entire delay in boundary adjustment is due to the refusal of the Ontario Government to close with Sir John Macdonald's proposal to submit the dispute to the Judicial Committee. His refusal to ratify the award of the arbitrators followed, as a necessary consequence from the position he had always occupied. Mr. Mowat cannot compel the Dominion Parliament to rehabilitate the award; indeed he has candidly confessed that he must consent to a new reference sooner or later. Then why delay, especially after harrassing the public mind with tragic lamentations over the danger of delay? Simply because he fancies he has got hold of a delusive cry by which to befool the electors of Ontario.

THE WARLIKE THREATS.

It is with this object that, last year, in order to "make a spurt" at the Dominion elections, he and his lieutenants became so bellicose in debate. Confederation itself, and all that is wrapped up in the idea, werely boldly menaced, merely to arouse popular passion. Let us recall the language used, and pillory it for public reprobation. To begin with the understrappers, Mr. Hay (24th January, 1882):—

"HE ADVOCATED THE SENDING OF AN ARMED FORCE TO THE DISPUTED TERRITORY TO ENFORCE THE ADMINISTRATION OF THE LAW BY THE ONTARIO GOVERNMENT. If the Province could not get justice by constitutional means, then other measures must be resorted to for the maintenance of her rights."

Mr. Mowat was asked whether he approved of violence, when the following colloquy ensued:—

Mr. Meredith—Are you prepared to take the responsibility that this Province should provoke a conflict—it may be with the militia of the Dominion?

Mr. Hardy — WHERE WILL YOU GET YOUR VOLUNTEERS? FROM ONTARIO? (Laughter from the Ministerial side.)

Mr. Meredith said hon. gentlemen opposite were broaching treason. He was surprised that a member of the Government, who had sworn allegiance to the Crown, should advocate measures which were treasonable to the best interests of the country.

The Provincial Secretary insinuated here that our gallant volunteers would violate their oaths and their duty, and mutiny at his bidding.

We may now turn to another traitor, Mr. Fraser:—

Mr. Meredith—The life of a single citizen of the Dominion was as everything compared to this territory. Were hon. gentlemen prepared to sacrifice the lives of their fellow citizens?

Mr. Fraser—LET OUR FELLOW-CITIZENS KEEP OUT OF OUR TERRITORY.

"Mr. Meredith said he spoke strongly on this subject, because he felt strongly. Hon. gentlemen were desirous of making a party cry, and that they and their friends might control the destinies of the Dominion they were willing to sacrifice the harmony and peace of Canada. And what was their party at Ottawa? A party that was bankrupt, without principles or policy, and which at this moment was considering whether they should steal the policy of their opponents—(hear, hear)—and were endeavouring at the risk of exciting open rebellion in this province to get into power."

Mr. Fraser was quite ready for bloodshed to secure possession of territory which his chief had declared not to be Ontario's until so declared by some "competent authority."

MR. MOWAT'S MENACES.

From such men as Messrs. Hardy and Fraser, no one expects much, but the Premier is usually credited with an average amount of conscientiousness, and some regard for his official oath as a sworn guardian of the constitution. Let us hear what he had to say as a bellligerent:

"He had been and was a supporter of Confederation, BUT IF IT COULD ONLY BE MAINTAINED BY GIVING UP HALF THE PROVINCE, CONFEDERATION MUST GO. The advantages of Confederation were well enough if the Dominion dealt justly with the province, but if our measures were to be disallowed at the mere whim of the Minister of the day, and we *were not to lay claim to our own property without foregoing the advantages of Confederation we must forego them. Confederation in that view of it, was not worth having.*"

These words must be read in the light of the documents already cited in which Mr. Mowat acknowledged that the title was incomplete; that without the assent of Parliament the award was worthless; and offered to submit the dispute to the Judicial Committee. Could disingenuousness be carried further? On the 24th of Jan. Mr. Mowat said:

"It would be remembered that two sets of laws existed in the disputed territory, and two sets of legal machinery."

Two days afterwards he said there were no laws there at all!

"If we do not go there and take possession and administer justice, and if we do not attempt to preserve the property by proper force, who has a right to do it?"

Now all this Falstaff gasconading was utterly insincere. The Premier had not the slightest intention of doing other than enacting the part of Bombastes Furioso. He knew that the Dominion elections were at hand, and hoped to carry them by playing the bully. Too late he discovered that he had reckoned without his host. When the redoubtable Convention met early this year, it was only to pass a resolution expressing the most effusive attachment to the Dominion and the tenderest regard for each and all the sister Provinces. In the Assembly Mr. Hay had "smoothed his wrinkled front," and dreamed of war no more. The Ministers were also silent about the duty affirmed early in 1882, of at once taking possession of the disputed territory.

A CHANGE OF TACTICS.

During the late session, the Government abstained from passing a single resolution, or stating any definite policy for the future, contenting itself with voting down the only practicable and workable proposal, that embodied in the Opposition amendment. At the Toronto Convention, however, on the 4th of January last, Mr. Ross, M.P. was put up to move a resolution, of which the following extract contains the pith:—

"That this award was accepted by the Government of this Province as in honor bound (!), but was repudiated by the Government of the Dominion; that such repudiation is, in the opinion of this Convention, a violation of public law and national faith, and an indefensible denial on the part of the Federal authorities, of the just claims and territorial rights of this Province; and that THE MANLY AND PERSISTENT ASSERTION by the Government of Ontario of these claims and these rights, AND THEIR DEMAND FOR THE IMMEDIATE OWNERSHIP AND GOVERNMENT OF THE AWARDED TERRITORY, deserve the support and co-operation," etc.

This resolution, which Ministers dared not present to the House of Assembly, where its hollow hypocrisy and downright untruth would have been mercilessly exposed, was deliberately put forth for election purposes. It, in fact, represents the side which Mr. Mowat would alone present to the people on the stump. Those who have read the evidence clearly submitted here, know well that Mr. Mowat took no such persistent stand, as this motion represents. It will be found that there is no reference here to the Government's reiterated expression of willingness to go to the Privy Council. Let us add an additional proof. Mowat said in the House, on the 27th of February, 1882:—

"And in view of these practical evils, *it might be worth while to forego their objection to a second litigation* if they could make a satisfactory settlement in regard to provisional arrangements in the meantime."

It may be remarked here that an appeal to the Privy Council would be a *first* litigation. Mr. Meredith pointed out that there might be a want of agreement as to matters of fact. Mr. Mowat's reply was that

he "could not say what was said upon that subject, but he had no objection to stating his views upon that point. *He thought there was no difficulty in their going to the Privy Council, notwithstanding that there was a dispute in regard to certain facts.*"

In plain English, the award, having been rejected, the Dominion proposal for a reference, if provisional arrangements could be agreed upon, should have been accepted. These arrangements have been formulated, and never accepted or rejected by the Local Government up to this hour. They are waiting until the elections are over, and hope to gain them by acquiescing in the false statement of the resolution just quoted. The mover of that resolution, as well as the Convention which adopted it, was well aware of its disingenuousness. It is doubly culpable, first, because it suggests what is false, and secondly, because it suppresses plain and notorious truths. Will the electors of Ontario consent to be any longer duped by this Janus-faced party? Mr. Mowat is going to the country as the champion of an award which he has practically abandoned, with the intention should he succeed of adopting the very policy his organs denounce as "inconsistent" and "traitorous." That is the exact position in which these political tricksters stand to-day.

THE VALUE OF THE DISPUTED TERRITORY.

The Government has of late manifested a strong desire to lay hands on the land and timber, that it may be squandered away as revenue, and the inevitable hour for direct taxation—the penalty of extravagance—put off for a decade. It has been the cue, therefore, to magnify the value of the disputed territory, so as to tempt not merely the feeling of self-interest, but that of popular cupidity. This was not always the case. The disputed territory is barren, for the most part, and speaking of it, Mr. Mackenzie said that it was not worth the money paid for it by the Dominion to the Indians! But there is later and more precise evidence on record than that already given. So soon as the award was made public the *Globe* commented upon it in an article from which we take the following pertinent extracts:—

The "legal (?) boundary being defined, the question BECOMES SIMPLY ONE OF PUBLIC POLICY, AND THAT MUST BE SETTLLED BY FRIENDLY NEGOTIATIONS BETWEEN THE TWO GOVERNMENTS, WE DO NOT BELIEVE THAT ONTARIO HAS ANYTHING TO GAIN BY ASSUMING THE CONTROL OF A DISTRICT SO EXTENSIVE AS THAT NOW HELD TO BE PART OF HER NORTH-WESTERN POSSESSIONS. Up to, and from a certain point settlers and traders would gravitate towards Thunder Bay, but that distance passed the objective point of commerce would be Red River." "Ontario will be entitled to secure all such lands and territories as may be either already surveyed or in process of development, and contiguous to her present settled districts. BEYOND THAT, IT WILL BE MORE PROFITABLE TO HAND THEM OVER TO THE DOMINION, TO BE DEALT WITH BY FEDERAL LEGISLA-

TION. Possibly Imperal authority may be required to accomplish this, but that is a mere question of detail."

"We are more concerned to see the work of progress carried on energetically and prosperously—as it is, we believe, being carried on at present within reasonable limits, THAN A LARGE UNOCCUPIED—OR VERY SPARSELY OCCUPIED—AND REMOTE REGION HELD, SUBJECT TO MUCH IMMEDIATE COST AND TROUBLE IN VIEW OF SOME POSSIBLE, BUT ALTOGETHER PROSPECTIVE BENEFIT." *Globe, August 6th, 1878.*

It will be seen that at that time, the organ, whose article was evidently inspired was under the impression that Ontario had gained an elephant in the arbitration raffle; and that the best possible course for Ontario to take was to "rob" herself, and hand over the loot to the Dominion even if it required an Imperial Act to ratify the "robbery." Of course the boundary bogey was not then required for campaign purposes; it was an after-thought, invented by the great magician on the Treasury benches. Now the scene is changed. Somebody who is not even named has claimed that the timber alone is worth over a hundred millions of dollars, and no one can tell what hidden stores of gold may be buried in that suddenly important territory. Mr. Mowat, with his failing resources, and with the memory of a misused surplus, grows radiant over "the possible, but altogether prospective benefits."

WHAT DOES THE GOVERNMFNT PROPOSE TO DO?

Whether the disputed territory be a burden or a boon, how does the Government hope to secure it, by idly shouting for the award? The Convention plank must be taken to express the feeling of the party; and, as we have seen, it points to no rational solution of the difficulty. Let us suppose, for a moment, that Mr. Mowat secures a majority, what can that majority effect in the face of a definitive rejection of the award at Ottawa? "If men, like children, will cry for the moon, like children they must cry on." Crying can avail nothing! The award is irreparably gone, and the Local Premier even with a majority is as powerless as "all the king's horses, and all the king's men, to set Humpty-Dumpty on his seat again." That being the case, the Government's attitude towards the electors is not only inconsistent with its position towards the Dominion, but untenable. Let it be borne in mind that the Reform Convention of the 3rd and 4th ult. was avowedly called together to formulate the policy to be advocated during the approaching campaign; and this is its lame and impotent conclusion—*a cul de sac*—a blind alley leading no whither. Mr. Mowat cannot secure the territory which legally belongs to Ontario on these lines. He must either abandon the position laid down for him at the Convention, and steal Opposition thunder, or he must remain in office a standing obstacle to the settlement of this important question. That is precisely how the matter stands, and the people have before them ample material for a clear and honest abitrament between the party which can do nothing, and the party which can and will secure

Ontario's rights. Standing, as he affects to do, on the Convention plank, the Local Premier is confessedly impotent, and every hour that he is tolerated in office, means real and substantial "robbery of Ontario," by delaying the satisfactory settlement of her just and lega claims.

THE OPPOSITION POLICY.

On the other hand, the attitude of Mr. Meredith and his friends is full of promise. It contemplates no delay, but insists upon prompt and immediate movement in the only direction open to the Government of Ontario. The award was "subject to the approval of the Parliament of Canada," as an Ontario statute formed by Mr. Mowat solemnly affirms. So long, therefore as that award had any chance of ratification the Opposition was justified in uniting with the Government on ts behalf. But there was no obligation laid upon it, to continue that course when, by the definitive refusal of the Dominion's assent, the ward became absolutely and finally null and of no effect. Still more urgent become earnest efforts for a speedy settlement, when "another Parliament" was elected which, contrary to the Premier's expectations, or rather hopes, holds the same opinion as that which went before it.

Under these circumstances what is the duty of patriots and statesmen who desire ardently to secure for Ontario what is her own, beyond the reach of "robbing" even by a board of arbitrators? Surely to cease clamouring over the award which has finally disappeared from the arena, and to go to work like earnest men to secure the desired result. Now what does the Opposition propose in the resolution already cited. To appeal, without a moment's delay to the Judicial Committee—a tribunal in whose ability, probity and impartiality Canadians can repose the most implicit confidence. And then, in the meantime to agree with the Dominion upon some method of governing, administering justice, and managing the lands in the disputed territory, pending the judgment of the highest Court in the British Empire; *Is not that the only course which can commend itself to the electors of Ontario? It is just, as no one has yet denied; its results cannot fail to be satisfactory to this Province, which would be the gainer by it; and finally, it is the only course open to us, which is the most convincing argument of all.*

THE SUMMING UP.

Those who have followed us carefully thus far, have the whole of our case before them. If, as we are convinced, that case is impregnable, it only remains for the electors to put an end to further delay and controversy by exchanging the men of inaction for others who will do something—and something to the purpose. They alone are the enemies of Ontario, they alone are the "robbers" of it who persistently refuse to adopt a rational and fruitful course. Mr. Mowat

may prefer to wait and sulk; but sulking will no more relieve Ontario than it crowned with success Achilles' hostility to the beleagured in Troy. What a vigorous and intelligent Province needs is men who will secure its rights, not those who simply maunder about them. Every point of the Opposition case has been conceded by the present Premier.

1. He admited that "some competent authority" must yet decide the controversy.

2. That there is neither objection nor difficulty in appealing to the Judicial Committee, and that he is willing to do so, with suitable provisional arrangements.

3. That the Dominion proposal for a Joint Commission meets his approval, if the conditions can be satisfactorily adjusted.

And yet—

4. He has never moved hand or foot since the receipt of the Dominion scheme or of the Commons' resolution in the direction of a settlement; nor during the session just closed did he submit a resolution or state a policy.

5. On the contrary, he takes his stand upon the inept and utterly barren plank laid down at the Convention, and neither can nor will do anything which can serve the cause of Ontario.

WAITING FOR THE VERDICT.

Such is our case; and the other is Mr. Mowat's. The one practical, statesmanlike and honest; the other shuffling, limp, incoherent, and lifeless. The question is one of paramount importance to the Province of Ontario, and the Opposition, confident at once in the patriotism of its motives, the certainty of its method, and the triumph of its national and practical principles, appeals without the slightet apprehension, to that intelligent jury which includes the bone and sinew, the reason and intelligence of their beloved Province.

THE POWER OF DISALLOWANCE.

Another of those catch-cries by which the present Government hopes to profit is the so-called "invasion of Provincial rights," by the disallowance of a single Ontario measure—The Streams and Rivers Bill. It will not be difficult to show:

1. That the disallowance is undoubtedly within, not only the letter but by the spirit of the constitution.

2. That Mr. Mackenzie's Government on several occasions disallowed Bills equally within provincial jurisdiction, on grounds of public policy.

3. That the Streams Bill was of such a character as to demand the exercise of the reserved power conferred upon the Dominion Executive.

THE VETO POWER AND ITS AUTHORITY.

Immediately before the clauses of the B. N. A. Act which defines the legislative jurisdiction of the Dominion respectively, and thereon a condition precedent to its exercise, we find the following:

"90. The following provisions of this Act respecting the Parliament of Canada, namely—the provisions relating to appropriation and tax Bills, the recommendation of money votes, *the disallowance of Acts, and the signification of pleasure on Bills reserved—shall extend and apply to the Legislatures of the several Provinces*, as if these provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant-Governor of the Province for the Governor-General, of the Governor-General for the Queen, and for a Secretary of State, of one year, for two years, and of the Province for Canada."

It is not easy precisely to make the enacted alterations; but the following represents exactly how the particular clause would read:

"56. When the Lieutenant-Governor assents to a bill in the Queen's name, he shall, by the first convenient opportunity, send an authentic copy to the Secretary of State and if the Governor-General in Council, within one year after the receipt thereof by the Secretary of State, thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Lieutenant-Governor, by speech or message to the Legislature or by proclamation, shall annul the Act from after the date of such signification."

It seems clear that, in the last clause, the name of the Governor-General should be retained, and not that of the Lieutenant-Governor; but the language of *Sec. 90* requires the latter.

Such then is the law regarding the disallowance of Provincial Legislation. As we have clearly pointed out it immediately proceeds *Sess. 91 and 92* by which the respective legislation jurisdictions of Dominion and Province are defined. It is in short the enactment of an executive restraint upon the powers of Parliament and Legislature thereinafter defined. The one power is short, as is clearly ordained as the other; therefore both must stand or fall together.

THE PURPOSE OF THE VETO.

Having thus presented the organic law in the case, it now becomes necessary to inquire what the founders of the Dominion meant by the disallowance clause. It would be easy to multiply quotations from the leaders of both parties; but our quotations will be taken entirely from Reform speeches, to be found in the authorized Report of the Confeder-

ation Debates. It may be well to preface these extracts with a remark. The opponents of Confederation, including most of the Quebec Liberals, urged precisely the same objections to the use of the veto power now pressed, after the event, by the Ontario Government. As the fact that before Confederation, such ground was taken, a passage from a speech of Sir A. A. Dorion will emphasize and give additional import to the extracts which follow:

Sir A. Dorion: "When I look at the provisions of this scheme, I find another objectionable one; it is that which gives the General Government control over all the Acts of the local legislatures. What difficulties may not arise under this system? Now, knowing that the General Government will be party in character, *may it not, for party purposes, reject laws proposed by the local legislatures, and demanded by a majority of the people of that locality?*"

Unfortunately the Rouge leader did not contemplate the probability of an event which has actually come to pass, that a partizan majority in the legislature might pass a Bill expropriating an opponent's property, and that at the instance of a supporter, as in the Streams Bill, without any demand from the people at all. This is, however, by the way; we merely quote Sir A. Dorion to give additional point to what follows, since the utterances of Reform leaders who supported the veto were given with a full knowledge of the objection urged.

REFORM LEADERS ON THE VETO POWER.

Mr. George Brown—"We have retained in the hands of the general Government all the powers necessary to secure a strong and efficient administration of public affairs. By vesting the appointment of the Lieutenant-Governors in the general Government and *giving a veto for all local measures we have secured that no injustice shall be done without appeal in local legislation.*"

No word here about a distinction between matters within and without competent jurisdiction. Mr. Brown distinctly said *all* measures, and particularized such as might work injustice, which the Streams Bill unquestionably would have done.

Mr. Alexander Mackenzie—"*The veto power is necessary in order that the general Government may have a control over the proceedings of the Local Legislatures to a certain extent. The want of this power was the great source of weakness in the United States*, and it is a want that will be remedied by an amendment in their constitution very soon. So long as each State considered itself sovereign, whose acts and laws could not be called in question, it was quite clear that the central authority was destitute of power to compel obedience to general laws. *If each Province were able to enact such laws as it pleased, everybody would be at the mercy of the Local Legislatures, and the general Legislature would become of little importance.*"

Sir Richard Cartwright—"Even where there may be some conflict of jurisdiction on minor matters, every reasonable precaution seems to have been taken *against leaving behind any reversionary legacies of sovereign State rights to stir up strife and discord.*"

Mr. Hope Mackenzie—"Now, Sir, while the hon. gentleman (Mr.

Joly) will have nothing to do with it because of the supreme central power that is provided in the scheme, *I take it just because of that controlling central power.*"

It will be observed that one and all of these gentlemen warmly advocated the power of disallowance, and not a single speaker made any distinction between measures within and without Provincial jurisdiction. Mr. Brown especially regarded the veto as a safeguard against "any injustice being done without appeal in local legislation." Mr. Mackenzie and Sir R. Cartwright both referred to the mischief wrought in the United States by a want of controlling power at Washington—a want often deplored by jurists in the neighboring Republic.

AMERICAN OPINIONS.

Last session, the Hon. Mr. Morris made some exceedingly apt quotations which it may be well to reproduce here, as they precisely fit in with the circumstances and perils of Ontario party legislation. The first extract is from Kent and Story's *Commentaries*; the second, from Adams' *Defence of the American Constitution.*

"There is a strong propensity in public bodies to accumulate power in their own hands—to widen the extent of their own influence, *and to absorb within their own circles the means and motives of patronage. If the whole legislative power is vested in a single body, there can be practically no restraint upon the fullest exercise of that power, and of any usurpation which it may seek to exercise or justify, either from necessity or a superior regard to the public good.* It has been often said that necessity is the plea of tyrants, but it is also true that *it is the plea of all bodies invested with power when no check exists upon its exercise.*"

"Of all possible forms of government, a sovereignty in one assembly successively chosen by the people is perhaps the best calculated to facilitate the gratification of self-love, and the pursuit of the private interests of a few individuals. *A few eminent or conspicuous characters*" (*or the reverse*) "*will be continued in their seats from one election to another, whatever changes are made in the seats around them* * * * *They will be able to intrigue with the people and the leaders out of doors until they worm out most of their opposers and introduce their friends. To this end they will bestow all offices, contracts, privileges in commerce, and other emoluments upon the latter, and then commence and throw every vexation and disappointment in the way of the former, until they establish such a system of hopes and fears throughout the whole State as shall cause them to carry a majority in every fresh election of the House.* * * * In one word, the whole system of affairs, and every conceivable motive of hope or fear, will be employed to promote the private interests of a few, and their obsequious majority."

Story and other American jurists have strongly defended the President's power of vetoing Congressional legislation as a necessary check upon "rash, immature and improper laws," and upon "the tendency of all free governments to over-legislation." It was pointed out that "the injury which may possibly arise from the postponement of a salutary law, is far less than from the passage of a mischievous one,' and that so far from there being a danger that the veto power may be

abused, "the real danger is that the executive will use the power too rarely." It seems hardly necessary to point out that, in the absence of responsible government, the President occupies an independent position similar to that of the Dominion authorities, with this notable exception, that, although not answerable to the particular Province, the latter must defend every executive act before Parliament.

MR. BLAKE'S THEORETICAL VIEW.

During the year 1876, Mr. Blake, at that time Minister of Justice, engaged in a controversy with the Earl of Carnarvon, Colonial Secretary, regarding the veto power. His Lordship contended that the Governor General should exercise the power on his individual responsibility; Mr. Blake, that he should only do so on the advice of his Ministers. In a despatch, dated the 6th of September, 1876, the Hon. gentleman wrote as follows:—

"It is suggested that if a Canadian Minister had the power of controlling the enactment or operation of Provincial Acts the consequence would be a virtual repeal of the section of the British North America Act giving the exclusive right of legislation in certain matters to Provincial Legislatures, and it *is suggested as not improbable that the intention may have been to entrust the functions of disallowance to an authority in Canada not directly representing the majority of the Canadian Parliament, from whose jurisdiction these questions had been excepted.* The undersigned may observe that this, though professing to be an argument *ab inconvenienti* against a particular construction, is *in strictness rather an argument for the change in the existing law than for the adoption of the proposed construction of that law.* But the undersigned cannot agree to the proposition advanced. These arguments occur to him. The Parliament of Canada is composed of representatives of the seven Provinces, each of which has in its provincial character like political rights. Ministers, whose tenure of office depends upon their retaining the confidence of a Parliament so composed, *are not likely to abuse a power, the exercises of which would obviously be jealously watched* by Representatives from all the Provinces, since each is alike interested in the maintenance of Provincial rights, and, therefore, in the principles upon which the power of disallowance is exercised. For the same reason *any abuse by Ministers of this power would be quickly followed by the application of the constitutional remedy by Parliament.* The experience of nearly ten years during which this power has been exercised does not indicate that the apprehended evils will follow. The objection taken would apply to the power given to the Queen-in-Council to disallow Canadian laws, whereby, to follow the same line of argument, power is given to an authority directly representing the majority of the British Parliament to control the enactment or operation of Canadian Acts affecting subjects, the right of legislation on which has been vested in the Canadian Parliament, to the practical exclusion of the British Parliament. But there is in the mode for which we contend a much greater check on the exercise by the Governor-in-Council of the power of disallowing Provincial Acts than exists upon the exercise by the Queen-in-Council of the like

power with reference to Canadian Acts, *since the advisers of the Crown are not in the latter, as they are in the former case responsible to the Canadians.*"—*Sess. Papers (Commons), 1877, No. 89, p. 455.*

It will be seen by the foregoing passage, that Mr. Blake contemplated cases in which the Federal Government might be called upon to disallow Bills plainly within Provincial jurisdiction; and his contention was that this power was not liable to abuse, because the Dominion Ministers are responsible to the people's representatives in Parliament. It now remains to show how Mr. Blake's view of this power was carried out by the Mackenzie Government of which he was intermittently a member, and throughout a professed adherent.

THE MACKENZIE DISALLOWANCES.

1. Under Sec. 92, head 13, among the subjects of "exclusive Provincial jurisdiction" stands "Property and Civil Rights in the Province." Land tenure, therefore, is evidently a matter of local concern. Nevertheless, in 1874, Mr. Fournier, Mr. Mackenzie's Minister of Justice, refused the Royal assent to the Prince Edward Island Land Act of 1874, for the following reasons:—

"The undersigned is of opinion that the Act *is objectionable in that it does not provide for an impartial arbitration*, in which the proprietors would have a representation, for arriving at a decision on the nature of the rights, and the value of the property involved, and also for securing a speedy determination and settlement of the matters in dispute;"—*Sess. Papers (Commons)* 1877, *No.* 89, *p.* 81.

The object of the disallowed Bill was to convert leasehold into freehold tenures, and was indubitably within Provincial jurisdiction; indeed, Mr. Mackenzie's Minister did not, for a moment, hint otherwise.

2. On the 18th of July, 1876, Mr. R. W. Scott, acting Minister of Justice, refused assent to "An Act to amend the Land Purchase Act, 1875," another P. E. I. Bill. This case is particularly noteworthy, because the reasons assigned for the Government's course were, as will be seen hereafter, almost identical with those assigned by the present Administration for disallowing the Streams Bill. Here they are:

"He (Mr. Scott) is of *opinion that the reserved Act is retrospective in its effect; that it deals with rights of parties now in litigation under the Act which it is proposed to amend or which may yet fairly form the subject of litigation; and that there is an absence of any provision securing the rights and proceedings of persons whose properties have been dealt with under the Act of 1875.*"—*Sess. Papers (as above), p. 135.*

3. In 1876, the Minister of the Interior reported against a Manitoba Act reserved—"An Act respecting Land Surveyors," on the ground, not that it was beyond Provincial jurisdiction, but because in Mr. Mills' opinion, it was "*premature and unnecessary.*" As if he, and not the Manitoba legislature were the proper judge of its necessity. This report was concurred in by Mr. Blake, and it was approved on the 7th of Feb. —*Sess. Papers p. 230.*

4. In 1876, Mr. Mills recommended the disallowance of another

could constitute it?

All these Bills had been reserved by the Lieutenant Governor, and it has been contended, on what ground it does not appear, that there is some magic in reservation which confers upon the Dominion a jurisdiction it does not possess under the B.N.A. Act,—of this presently. We come now to a Bill which had been passed by the Quebec Legislature, and assented to by the Lieutenant Governor, but which was sent back on pain of disallowance.

5. Amongst the subjects enumerated in Sec. 92 of the B. N. A. Act as one of those upon which the Provincial Legislatures "may exclusively make laws," stands: "2. Direct taxation within the Province in order to the raising of a revenue for Provincial purposes." Strictly within its right, therefore, the Quebec Legislature, in 1875, passed an Act, which was assented to by the Lieutenant-Governor, "to compel Assurers to take out a License." Now, how did Mr. Blake regard this measure? As outside Provincial jurisdiction? Certainly not; but as against public policy. His report of the 16th of October, 1876, is well worth reading, especially by those who are misled by the blatant clamour against a fancied violation of Provincial rights in Ontario. One dose of the Blake specific would cure the most confirmed hypochondriac. There is only room here for a concluding paragraph:—

"This Act requires payment by the companies of the tax of one per cent. upon the premiums for the renewal of life assurance policies. * * * *This seems objectionable in principle and calculated to produce a feeling of insecurity abroad with reference to Provincial legislation.*"—*Sess. Papers (as above) p. 139.*

So that when all comes to all it would appear that, in practice, a Liberal Government at Ottawa holds precisely the same opinion as Sir John Macdonald, viz., that a Provincial Act, even although within the legitimate jurisdiction of the Legislature may, and ought to be, disallowed if it be contrary to public policy, or to the general interests of the Dominion. Thus the whole case is surrendered. Because, if the new Mowat theory be sound, what right had Mr. Blake to usurp the authority conceded to Quebec under Sec. 92, and dictate to that Province what "direct taxation" it should *not* impose. Either something more than the question of jurisdiction is to be considered, or Mr. Blake set the example of "trampling upon Provincial rights." Hence the sedulous avoidance by Ministers and their organs of these damaging precedents laid down by their own party.

THE CONSTITUTIONAL PRINCIPLE.

Mr. Todd, in his able work on "Parliamentary Government in the Colonies" (p. 372), remarks:

"In deciding as to the disallowance of an Act, *the Government is not confined to considering its validity in a legal point of view. The power of disallowance is a general one, and in arriving at a conclusion as to its exercise, the Government have undoubtedly the right to take into consideration other matters than those affecting merely the validity of the Act.*"

Again referring to reserved Bills, Mr. Todd remarks:

"The same principle (among others) would apply *in deciding as to giving or withholding assent to a reserved Bill.* The Government have, on several occasions, dealt with Provincial Acts (as well as Bills that have been reserved) upon those principles."—*Ibid, p. 373.*

Indeed there has never been any doubt about the fact, until the present Government in Ontario hoped to make political capital, by inventing the contrary doctrine, which finds no support either in the law, the design of its authors, or the precedents since 1867.

RESERVED BILLS.

A singular constitutional heresy has lately been promulgated, to the effect that the reservation of Bills by a Lieutenant-Governor confers upon the Dominion an authority to disallow measures, and a jurisdiction over all Provincial Acts so reserved which it would not otherwise possess. From what cause so strange an hallucination has taken possession of some minds, if it be not a knowingly false pretence, it is difficult to divine. The B. N. A. Act defines legislative jurisdiction with something like distinctness; and it speaks plainly enough about disallowance and reservation; but it knows nothing about any extraordinary jurisdiction being conferred upon the Dominion Government as a consequence of reservation. The law, the precedents, and even common sense, stand opposed to so fantastic a notion.

To begin with, the Lieut-Governor of a Province is a Dominion officer, and it would be quite regular for him, acting under instructions, to reserve any Bill submitted to him for assent. The Governors-General have for many years, instructed by the Crown to reserve Divorce Bills; but it was never pretended that their reservation had any other effect then that of calling for special attention to them from the Colonial Office. The reservation of any Provincial measure cannot possibly, that is to say of itself, deprive a Province of its jurisdiction, or clothe the Dominion Executive with powers not ordinarily pertaining to it under the Confederation Act. To hold the contrary proposition is to set up the absurd and untenable doctrine that, by the hocus pocus of reservation—well known to Mr. Mowat when he voted for the Orange Bills of 1873, and then went behind the scenes, and secured the Lieutenant-Governor—the powers of the Dominion may be enlarged and those of the Province circumscribed at the will of a

Dominion officer. The B. N. A. Act is certainly elastic enough; but it can hardly be stretched *ad libitum*. The true constitutional theory is that laid down by our highest authority, Mr. Todd, that any Provincial Act, assented to or reserved alike, may properly be vetoed if it offend against public policy or tend to injure Dominion interests. An immoral or impolitic law may be disallowed, whether it has been sanctioned or reserved by the Lieutenant-Governor of the Province. On that point, Sir John Macdonald, Mr. Blake, and Mr. Crooks have all pronounced in the affirmative.

THE NOVA SCOTIA SUBSIDY.

In 1869, Mr. Blake, at that time a member of the Ontario Assembly, and in Opposition, moved a resolution in the House denouncing what was known as the Better Terms Act (Nova Scotia), and praying Her Majesty "to disallow the said Act." The hon. gentleman could hardly plead either that the Ontario Legislation had any thing to do with the subsidies to the Provinces, or that the Act he opposed was not within the competence of the Dominion Parliament, nevertheless he gravely proposed that a Provincial Assembly should overpass its jurisdiction and appeal to the Crown in order to secure the disallowance of an Act strictly Federal in its character. Mr. Blake's theory of disallowance at that time differed entirely from that of Mr. Mowat's in 1888. The pretext that the Nova Scotia subsidy was a violation of the Federal compact was effectually disposed of by means of an explicit opinion to the contrary from the English law officers of the Crown.

THE NEW BRUNSWICK SCHOOL ACT.

This measure passed in 1871 was entirely within Provincial jurisdiction; whether or not, it was fair to the Roman Catholic minority, is another question. It will be remembered that the B. N. A. Act (sec 93) secured the rights of minorities in Upper and Lower Canada, and also provided for any Separate Schools, Protestant or Catholic then in existence. This clause, however, did not apply to New Brunswick, where no Separate Schools had been established. The Act, already referred to, did not secure justice for the Catholic inhabitants, who thereupon petitioned for its disallowance. In this case, however, the Government, considering that the subject had been expressly dealt with in the Confederation Act, and was, under the circumstances, left distinctly to the Province of New Brunswick, declined to exercise the veto power. On May 8th, 1872, a motion was submitted to the House of Commons, praying the Governor-General to disallow the New Brunswick Act, and for it all the Liberal members voted. Here, then, is proof positive that the party did not, at that time, object to the disallowance of Bills unquestionably within Provincial jurisdiction. It may

be added that in 1875, when the party had attained power, the House, under Ministerial guidance, left the New Brunswick Catholics in the lurch, and opposed any Imperial Legislation for their relief.— *See Todd's Parliamentary Government, pp. 346-350.*

THE ORANGE INCORPORATION.

In 1873 the Ontario Assembly passed a Bill incorporating the Orange Association, and among those who voted for it was the Premier, Mr. Mowat. To the surprise of everybody, this Bill was reserved, of course on the Minister's recommendation. His object was to throw upon the Dominion Government the responsibility of either assenting to the Bill, or of rejecting it. Sir John Macdonald refused to do either, but sent it back to be dealt with at Toronto. *Ont. Sess. Papers, 1st*, 1874, No. 19. The ingenious trick devised by Mr. Mowat had failed, and in 1879, when the Mackenzie Government ruled at Ottawa, the several Provincial Governments were informed that they must determine the question of Orange incorporation on their own responsibility, thus guarding the Dominion against a repetition of the reservation stratagem. All the same, it remains true that Mr. Mowat courted the exercise of the veto upon an Act undoubtedly within the competence of the Ontario Legislature.

Having thus considered at some length the theory and practice of the Government party in the past, it seems advisable to state some general propositions regarding disallowance.

THE VETO APART FROM JURISDICTION.

On the 9th of June, 1868, Sir John Macdonald took the broad ground that no Act within the competence of a Legislature should be disallowed, unless it affected the interests of the Dominion generally. This comprehensive statement, propounded antecedently to experience, has been carried out in the way Mr. Todd explains, by both Liberal-Conservative and Reform Governments, as follows:

> For the most part, this power has been resorted to only in cases wherein the Provincial Legislatures have passed Acts which were unconstitutional, or beyond their legal competency to enact. But *it has been sometimes invoked in respect to Acts which contained provisions that were deemed to be contrary to sound principles of legislation, and therefore likely to prove injurious to the interests or welfare of the Dominion.*" —*Todd (as before), p. 363.*

In the light of both text and commentary, let us consider

WHAT PROVINCIAL ACTS MAY BE CONTRARY TO SOUND PRINCIPLES.

Of the subjects committed exclusively to Provincial jurisdiction, none has been more frequently cited than No. 13:—"Property and

civil rights in the Province." Now, does this mean that the legislatures may, without control, make ducks and drakes of property and Civil rights? What do these words import? Surely the firm establishment of all the ordinary guarantees for personal property and such electoral privileges as are recognized in a free country. The obvious intention was to grant the Provinces exclusive jurisdiction over these and other subjects on the condition that they should legislate upon them in accordance with accepted principles of justice and morality. Should they or any of them transgress these recognized maxims, it becomes the duty of the Federal Executive to interpose the veto. For example: it is within the competence of the Local Legislature to authorize municipalities to repudiate their debts. Yet will anybody contend that the Dominion Government ought not, for the credit of Canada, to disallow any Bill to that effect? The reason why American jurists have deplored the lack of some Federal control over State legislation is that discreditable results have been entailed upon the credit and fair fame of the Union by inequitable State legislation. There is one security, however, guaranteed by the Constitution of the Republic and by the Constitutions of most States, and that is that "no property shall be taken by the Government from its owner, without full and adequate compensation." To admit of the contrary proposition would be to strike at the very root of civilized government. In passing it may be well to notice that

THE JUDICIAL OPINIONS AS TO PROVINCIAL JURISDICTION

have nothing whatever to do with the question of disallowance. They simply pronounce upon the validity of statutes passed and allowed under the B. N. A. Act, sec. 92. The Ontario Opposition holds tenaciously to the principle that the Dominion has no right whatever to intermeddle with Legislation, defined by the Imperial Act to be within the competence of the Legislatures as a general rule. It denies the broad statement that the Dominion Government, may, at its pleasure or caprice, disallow any or every Act. or that the Assembly of Ontario, in any wise legislates on sufferance. The autonomy of the Province would be insecure on such terms. What the Liberal-Conservatives do contend, as we shall see hereafter, is that on special occasions, the Dominion may interpose between the inequity of a partizan majority and these "sound principles of legislation," of which Mr. Todd speaks, and which Mr. Blake and his colleagues, on more than one occasion, strove to vindicate by exercising the latent, but still effective, right of disallowance.

THE STREAMS BILL.

And now to the immediate occasion of all this clamour about "Provincial rights." It is not necessary to remind the reader that the

dispute between Mr. McLaren and Mr. Caldwell arose about improvements on the Mississippi and its tributaries, made or owned by the former, to the alleged value of $250,000. Mr. McLaren, we may observe, not only owned the improvements, but was possessed, in fee simple, of the land on both sides of the streams. Now, why had he acquired the banks as well as the waters? Simply because the law of 1849, as interpreted by the courts during nearly twenty years, had pronounced that a stream not naturally capable of floating logs even during a spring freshet, was not to be deemed a public stream under that statute. The matter was brought before Mr. Vice-Chancellor Proudfoot, and he found upon the evidence, that the waters concerned were not naturally floatable, and, therefore, that Mr. McLaren had an absolute proprietorship in his improvements. Pending an appeal, and while the rights of the parties were still under litigation, Mr. Pardee appears upon the scene at the instigation of the nephew (Mr. Caldwell, M. P. P.) of his uncle who longed to remove his neighbor's landmark.

THE NATURE OF THE BILL.

The point which would naturally strike a casual reader is its attempt to legislate retrospectively. It was quite within Provincial jurisdiction to ordain that in future such or such should be the law. That method of legislation would not have been objectionable as interfering with vested rights of property under the law. So long as a man can invest his capital with the assurance, that if it be altered, it cannot jeopardize the rights he has acquired in good faith, all will go well. But if the Provincial Legislature can declare, at pleasure, that "always to have been the law," which, during nearly twenty years, has been distinctly adjudged not to be law, whose property can be held securely? It is the palpable untruth enshrined upon the bosom of the Bill which makes it so intolerable. And yet the measure, as it was intended to benefit Mr. Caldwell, required the enactment of this falsehood. Here it may be reasonable to introduce the amendment moved at the third reading of the third Streams Bill by Mr. Meredith, and supported by the whole of the Ontario opposition: "That the said Bill be not now read a third time, but that it be resolved that it is proposed by the first section of the Bill to declare that it be, and *to have always been the law* that which the Supreme Court of Canada has, by its unanimous judgment, not to be, and not to have been the law *thereby constituting this House a Court of Appeal from the Courts of the country in a matter affecting valuable private rights;* and, in the opinion of this House the said provisions are *highly objectionable and dangerous in principle, and ought not to pass into law.*" *Assembly Debates, 30th of January, 1883.*

Now this objection is beyond question, a valid, indeed an insuperable one; and upon the strength of it Mr. Blake would have vetoed the Bill, as he did the Quebec Assurers' Bill, and for self-same reason.

conclusion to which he had arrived by the weight of judicial opinion in Ontario, as expressed in the case of *Boale v. Dickson* (1868) by Chief Justices Draper and Richards, and Justices A. Wilson and J. Wilson; in *Whelan v. McLachlan* (1865) and *McLaren v. Buck* by Chief Justice Hagarty and Justices Gwynne and Galt; and in this case by Vice-Chancellor Proudfoot and Mr. Justice Burton, while Chief Justices Spragge and Justices Patterson and Morrison overruled all the previous decisions on this point. There were three Chief Justices and five Justices in support of the conclusion to which he had arrived, and one Chief Justice and two Justices taking a different view."

So that the law has always been, since 1868, as the Supreme Court decides it to be, and that is distinctly the reverse of Mr. Pardee's law by a *consensus* now of four Chief Justices and ten Justices against one Chief Justice and two Justices. Consequently the Streams Bill was not only retrospective, but bore upon its face a notorious untruth.

PROPERTY CONVEYED WITHOUT COMPENSATION.

In quoting from the judgments delivered by the Supreme Court it must be borne in mind that they have no bearing upon the question of the veto power, nor, save incidentally, upon the policy of the Streams Bill. Nevertheless, they do shed a flood of light, not only upon the law as it stands, but upon the essential inequity of the disallowed Bill.

Chief Justice Ritchie:

"It was not, however, intended to interfere with private property and private rights in streams which were not by nature floatable at any season of the year. If the Legislature contemplated what was now contended, or intended the enactment to apply to streams non-floatable at all seasons, as there was no pretence for saying that the Legislature had conferred any right upon the parties to enter upon private property and make the non-floatable streams floatable, and as they could not be made practically floatable by the operation of law, what was the precise legal right conferred on the public by the statute? Was it not obvious that the only effect of the enactment could be in such case to confer upon the public the right to use private property and the improvements thereon without making any compensation therefor? Was it then possible to infer any such intention from this section? Had it been present to the mind of the Legislature it should have been, and he thought, would have been, clearly and unequivocally expressed. It was not possible to attribute to the Legislature an intention unreasonable and unjust, unless the language was so unambiguous as to admit no doubt of the construction."

Mr. Justice Strong:

"His Lordship was of opinion that all streams did not co
artifically constructed private streams such as those in questio
consider otherwise would be in direct violation of the sound and
recognised canon of construction which had been acted upon
Barrington's case down to the Western Counties Railway Co
against the Windsor and Annapolis Railway Company, namely
statutes were to be so construed as to avoid any infringem
private rights unless by express words or necessary implicatio
construction was unavoidable. To comply with the first con
streams in whole or in part artificially constructed, would have
expressly mentioned, and they would not necessarily be implied
there were no other streams to which the Act could apply. H
the case of Horrock v. Worship, which he said fully warrant
court in adopting a construction so restrictive as to prevent the
operating in degradation of private rights of property. He cou
hold that the Legislature intended to authorize a gross violation
rights of private property without giving compensation to its o

Mr. Justice Gwynne:—

"Apart from the imputation of arbitrary interference,
Legislature with private property without the compensation
such a decision involved, a careful investigation of the language
statutes and the decisions of the Courts led clearly to the con
that the decision of the Court of Appeal could not be upheld.

"It was impossible that the Legislature could have designed
clare that it should be lawful for all persons to float logs down s
which had not sufficient capacity to allow logs to be floated dow
during freshets, or to prevent persons erecting improvements on s
which had not such capacity. Neither could it be believed tha
intended to provide that such a person was to make a stre
having that capacity capable of floating logs, &c., the stream sh
once become open to the public, without the consent, molestat
interruption of the person who had expended his own proper
without any compensation whatever to the owner of the proper
had constructed the work on his own property which gave the
its capacity by artificial means. It was impossible to apply s
interpretation without an utter disregard of the plainest princi
justice."

Now the Streams Bill meets precisely those obnoxious and
able provisions against which the Supreme Court protests—nay
does not even venture to contemplate.

THE QUESTION OF COMPENSATION.

It is alleged that the Streams Bill does provide compens
the shape of tolls, to be fixed by Mr. Caldwell's friends, the G
ment; and, moreover, under rules framed, or by a euphemi
proved by the same Government. Now during the progress of t
McLaren v. Caldwell, the plaintiff averred that he had offered t
the defendant to run his logs, on condition that he acknowled
ownership—his the right of property—and consequently his conta
the outflow of the water, which requires economical husbanding
offer was refused, and Mr. Caldwell, through his nephew, the m

sought, in the Streams Bill, a means of making Mr. McLaren's property his own. It is not necessary to discuss the question how far the tolls, for a joint proprietary can be considered a fitting compensation. Mr. Miller, a supporter of Mr. Mowat, hailing from Muskoka, declared that the tolls were entirely illusory as a recompense; that it would often pay the owner of improvements to get rid of a rival without tolls, rather than submit to an obstruction to his own business; and that they could not, in any sense be called compensation at all But were these tolls really substantial in character, the broad principle remains that no government has the right to deprive any man of his property, without buying him out, that is without full and adequate compensation to be settled, not by the patrons of the Ahab who envies Naboth, but by impartial arbitration. As some one has aptly remarked, Ahab was more equitable in his disposition than the Premier of Ontario.

THE GROUNDS OF DISALLOWANCE.

It has been seen that the Streams Bill traverses the lines of sound principle in several ways; apart from its assertion of what is untrue. It is retrospective and not in allowable sense, for there is such a thing as just legislation which is casually retrospective, that it interfered with the rights of parties in litigation; and that it makes common property of private property, without adequate or indeed any compensation. On these grounds, the Mackenzie Government being the judge, a regard for "sound principles of legislation," and for the "general interests of the Dominion," required its disallowance. Should any one assert that to take that position involves the untenable one that the Dominion Government has the right, as distinguished from the power, to veto all Provincial Acts, we can only deplore his dishonesty or commiserate his ignorance.

It may be well here to place side by side the grounds assigned for the disallowance of P. E. I. Land Bill, by the Mackenzie Government, and for that of the Streams Bill, by the present Government.

LAND ACT, 1876.

He (Mr. Scott) is of opinion that the reserved Bill is (1) Retrospective in effect; (2) That it deals with rights of parties now in litigation, *or which may yet fairly form the subject of litigation;* and (3) That there is an absence of any provision securing the rights and proceedings of persons whose properties have been dealt with under the Act of 1875.—*Sess. Papers (Commons), No. 89, p. 135.*

STREAMS BILL, 1881.

(1) That it is retrospective in character; (2) That it interfered with the rights of parties at present in litigation; (3) That it took away proprietory rights without adequate compensation.—*Report of the Minister of Justice, 1881.*

THE OPPOSITION POLICY.

This may be most fittingly expressed in the language of the am
ment submitted by the Ontario Liberal-Conservatives during the
Session :—

"That all the words in the motion after the word 'that' be st
out, and the following substituted :—

"'It is the undoubted right of the Legislature of this Provinc
exercise, without interference by the Government of Canada, the
clusive powers vested in it by the B. N. A. Act, if such powers
exercised lawfully and constitutionally, and not in a manner p
dicial to the interests of the Dominion, and this House is prepared a
times to maintain and defend this right; but it is of opinion that
incidental legislation which provides for the taking of private property
applying it to public uses, without making full compensation to
owner, is contrary to natural justice and the fundamental principl
legislation in civilized communities, and prejudicial to the interes
the Dominion; and that it is the undoubted right and manifest du
His Excellency the Governor-General-in-Council to prevent such leg
tion remaining in force, by exercising the power of disallowance ve
in him by the said Act.'"

That is an impregnable position with which to come before
electors of Ontario. Not one constitutional statement can be impug
not one claim for equity disputed. And yet the legitimate jurisdi
of the Ontario Legislature has never been more vigorously and str
ously asserted. The Ontario Opposition will not concede for a mo
that the Dominion possesses any arbitrary right to interfere with
vincial autonomy. On the contrary, it asserts the perfect freedo
Ontario in legislation, subject only to the condition imposed upo
by considerations of equity, regard for the interests and reputatio
both the Province and the Dominion, together with a profound res
for "property and civil rights" with which it is its function to
There is no betrayal of Provincial rights here; but only the repudi
of any constitutional right to perpetrate wrong. If resistance to a
justice, and support of the power which may happily possess
means of frustrating it, be treason to Ontario, then those who are
tenderly devoted to their Province must be content, as Mr. Mere
said, to be under the imputation. But if, as we believe, the pe
of Ontario love justice better than partizanship, they will reject
scorn the Ministers who are endeavoring to link the cherished cau
Provincial rights with so inequitable a measure of confiscation as
Streams and Rivers Bill.

Extension of the Franchise.

GOVERNMENT REFUSE TO DO JUSTICE TO SONS OF MECHANICS AND OTHERS.

When the bill to confer the franchise on farmers' sons was before the Legislature, the Opposition, then led by the Hon. M. C. Cameron, saw no reason why the sons of mechanics and others should not be admitted to vote on similar terms, and moved an amendment to that effect, but the Government and its supporters voted it down. Still adhering to their determination that all classes should be treated alike, the Liberal-Conservatives, at their Convention in September last, made the extention of the franchise, and especially in the direction indicated, a distinct plank in their platform; and when the reformers met in convention in January, they too, seeing the tide of public opinion setting in in that direction, also professed to wheel into line, but passed a resolution so vague that while it might induce people to believe that they were in accord with the popular feeling on that subject (for which object it was evidently designed), *it committed them to nothing definite.* Determined to test the sincerity of the Government and its supporters on the question, the Opposition on the 26th of January moved the follow- amendment:—

"That all the words in the motion after the word 'that' be struck out, and the following substituted therefor:—

"'This House is of opinion that justice to large and important portions of the community demands a liberal extension of the Parliamentary Franchise, particularly in the direction of conferring upon the sons of mechanics and others not now entrusted with the franchise the same privileges as are now conferred upon farmers' sons.'"

That resolution means something, promises something, and is practical politics; but the following Government supporters refused to do justice and voted it down (*Votes and Proceedings, p. 180*):—

Appleby	Graham	Neelon
Awrey	Hagar	O'Connor
Balfour	Harcourt	Pardee
Ballantine	Hardy	Patterson
Baxter	Hawley	Peck
Bettes	Hay	Rayside
Blezard	Hunter	Robinson (Kent)
Caldwell	Laidlaw	Sinclair
Cascaden	Lyon	Snider
Chisholm	McCraney	Striker

Derocho	McKim	Waters
Dryden	McLaughlin	Watterworth
Ferris	McMahon	Widdifield
Field	Mack	Wood
Fraser	Master	Young
Gibson (Huron)	Mowat	

Wishing to give their followers an opportunity of pretending yet that they desired to extend the franchise, the Government next day put up one of their supporters to move the following amendment in going into Committee of Supply:—

"That all the words after 'that" be struck out and the following substituted:

"'That the Liberal party of this Province stands pledged to extend the franchise; that if this House should now legislate to extend the franchise any law passed for that purpose could not be brought into operation in time for the coming general election; that any considerable extension of the franchise is especially a subject upon which the people ought to be consulted; that the approaching general election will afford an opportunity for so consulting and ascertaining the wishes of the people, but the House meanwhile does not hesitate to affirm its opinion that no such extension of the franchise will prove satisfactory which does not, with proper checks and safeguards, give the right to vote to all classes who can fairly and reasonably claim to be endowed therewith."

Was ever such transparent humbug before attempted to be imposed on intelligent people? The Mowat Government have had the power and could have admitted the sons of mechanics and others to the franchise had they so desired, but they deliberately refused to do so when it was proposed, and then insulted them by a sham resolution which means nothing and commits them to nothing. The Opposition were still determined to do something practical, and moved a resolution to amend the Election Bill in that direction; but the Hon. Mr. Fraser, a member of the Government, was determined that the question should be burked and got the speaker to rule it out of order. (*Votes and Proceedings, p. 204*). The policies of the two parties are before the people—the one straightforward, honest and practical; the other shilly-shallying, meaningless, and evasive—which will the electors choose?

DISPOSAL OF TIMBER LIMITS.

The Opposition in the House laid down their policy with regard to the disposal of public property, in the following resolution:—

"That all the words in the motion after the word 'that' be struck out, and the following substituted:—The revenues of the Province being to a large extent derived from its timber, the supply of which is rapidly decreasing, the public interests demand that greater care should be taken for the preservation of it, and that it should be provided by law that no additional territory shall be placed under license without the consent of the people's representatives in this House."

This reasonable proposal was voted down by the solid phalanx of Government supporters, who voted to deprive the people (through their representatives) of a voice in the disposal of the vast and valuable timber lands of the Province.—*Votes and Proceedings*, 1883, *p.* 118.

FREE GRANT SETTLERS.

The following resolution, designed to secure justice to the pioneers of our free grant districts, was moved by the Opposition, on the 26th of January, but voted down by the Government and their supporters. *(Votes and Proceedings, p. 170)*:—

"That all the words after the word 'that' be struck out, and the following inserted:—'In the promotion of the settlement of the free grant districts every effort should be made to further the interests of the settlers by a liberal expenditure in the development of the resources of the country, and by returning as far as practicable to the principles of the Free Grant Act of 1868, due regard being had to the interests of the Province at large in the income derived from the sale of timber as well as in the preservation of such timber as may be requisite for home consumption.'"

COLONIZATION ROAD MONEY.

Under the system in vogue in the Colonization Roads Department, the moneys are expended under political bosses in the interest of the party in power, the result of which is that instead of being expended in making roads for the people, a large proportion of the funds are manipulated for the benefit of political partizans. Determined as far as practical to remove the expenditure from such influences, the Opposition moved the following resolution:

That the following words be added to the Resolution: "but while concurring in the Resolution, this House is of opinion that where municipal organization exists the Councils should, as far as practicable, be entrusted, under proper regulations, for securing their due application with the expenditure of moneys voted for colonization road purposes within their municipalities."

Again the Government followers were called upon to record their want of confidence in our municipal system, and they voted the resolution down.—Notes and Proceedings, 1883, p. 215.

EDUCATION.

Recognizing the importance of keeping our educational affairs entirely free from politics, which is impossible under our system of party Government while the Department is under the control of a political head. The Opposition moved the following resolution, which was voted down by the Ministry and their supporters.—*Notes and Proceedings, 1883, p. 196*:—

"That the following be added to the motion:—That this House is of opinion that due regard for the interests of education demands that the educational system of this Province should be kept entirely free from political partizanship, and, to that end, that the office of Minister of Education should be abolished, and the office of Chief Superintendent of Education and Council of Public Instruction, with such changes in the constitution and powers of the Council as experience of the former working may suggest, should be restored."

BROKEN PLEDGES.

Now that the electors are called upon to give their verdict on the conduct of the Mowat Government, let honest Reformers consider whether that Government have carried out their professions. Have they not tramped on nearly every principle the party ever advocated? Here are two or three samples:

NEUTRALITY IN REGARD TO DOMINION GOVERNMENT.

The Reform party were always loud against what they termed the alliance between the Government of John Sandfield Macdonald and that of the Dominion. The *Globe* used to ring the charges on "hunting in couples" whenever Provincial and Dominion Ministers were seen together, and Mr. Blake, when he found his Government, thus laid down the doctrine of the party:—

"The first point upon which I desire to state the policy of this administration is with reference to what may be called the external relations of the Province. · · · We believe that the Government of the Province ought not to assume a position of alliance or hostility towards the Government of the Dominion."—*Globe*, Dec. 23, 1871.

Let Reformers ask themselves how have the Mowat Government carried out this doctrine of the party? As soon as their friends came into power at Ottawa, did they not form the most open alliance with them, and were Provincial and Dominion Ministers not found "hunting in couples" all over the Province? And since ever the present Dominion Government came into power, have not the Mowat Government set themselves in determined hostility, even going so far as to mutilate a public report for fear it might tell in favor of the National Policy?

A CABINET OF LAWYERS.

Another point on which the Reformers attacked the Sandfield Macdonald Government, was that it contained too many lawyers, four out of the five being of that profession; and when Mr. Blak formed his Cabinet he laid down the party policy on that question as follows:—

"Now, sir, I believe there was considerable dissatisfaction in the country at the composition of the late Cabinet. I believe that, with no disparagement to the honorable profession which four members of the late Cabinet were engaged in, and to which I myself belong, it was generally thought that the interests of the country were likely to

be better secured if the legal element did not almost exclusively prevail in the councils of the country. The late Administration contained four members of the legal profession to one layman."—*Globe*, Dec. 23, 1881. In accordance with this, Mr. Blake formed his Government of three lawyers and three laymen; but when Mr. Mowat came in, how did he keep to this policy of the party? He at once began to weed out the laymen, and now he has a Cabinet composed of: Mr. Mowat, a lawyer; Mr. Crook, a lawyer; Mr. Pardee, a lawyer; Mr. Fraser, a lawyer; Mr. Hardy a lawyer; and Mr. Wood, a layman. *Five out of the six are lawyers*, and the only layman is about to retire! What do Reformers think of this violation of party principle?

MEMBERS APPOINTED TO OFFICE.

When Mr. Greeley, who had been a member of the House was appointed Sheriff of Prince Edward by the Sandfield Macdonald Government, a great outcry was raised by Reformers against members of the House being appointed to office by the Government, and Mr Blake, whose denunciations of the Governmemt were most emphatic, gave notice of motion laying down the party policy, as follows:—

"That it be resolved, that having regard to the existing system of dispensing the Government patronage, no member of this House should be appointed to any office of emolument which may become vacant in his constituency."—(*Votes and Proceedings, 1870-1, p. 28*).

How has Mr. Mowat carried out this principle of the party? Look at the record:—

Mr. Gibbons, member for Huron, appointed Sheriff!
Mr. Gow, member for Wellington, appointed Sheriff!
Mr. Massie, member for Wellington, appointed Registrar!
Mr. Williams, member for Hamilton, appointed Registrar!
Mr. McLaws, member for Elgin, appointed Dep. Clerk of the Crown!
Mr. Paxton, member for Ontario, appointed Sheriff!
Mr. Springer, member for Waterloo, appointed Sheriff!

And the following members also appointed to office, though not in their own constituences:—

Mr. McKellar, made Sheriff of Wentworth!
Mr. Lyon, made Stipendiary Magistrate!
Dr. Clarke, made Sheriff of Thunder Bay!

While other members are believed to be only waiting the dissolution to step into offices. What do consistent Reformers think of Mr. Mowat's record of violated principles?